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ABSTRACT

This text is a collection of seven papers on the Education Reform Act (ERA) in England and its implications, from writers whose personal perspectives and professional roles provide an agenda of issues for practitioners ranging from politicians to local authority administrators to college managers. The following papers are included: "The LEA (Local Education Agency), the College and the Community" (Don Libby and Rob Hull); "Further and Higher Education: The Strategic Role of the LEA" (Bob Morris); "Incorporation and Assisted Status--or Not?" (John Bevan); "College Governance" (Michael McAllister); "The Professional Role of the Lecturer" (Jenny Shackleton); "Who's Driving the Curriculum Vehicle Now?" (Beryl Pratley); and "From ERA to New Epoch: Summary and Conclusions" (Bob Kedney and David Parkes). An introduction provides an overview of the themes of the papers, and an appendix discusses the act as it affects the finance and government of locally funded further and higher education. A glossary is included. (KC)

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PLANNING THE FE CURRICULUM

Implications of the
1988 Education Reform Act

Perspectives from
Administrators and Managers

Edited by
Bob Kedney and David Parkes

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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First, the usual caveat. The opinions expressed in this publication are those of the authors, and do not necessarily represent those of the FEU or its Board. Indeed, that this must be the case is evident from the fact that there are differences between the authors as to how they see recent history and future possibilities.

Nevertheless, the Unit was keen to encourage these contributions from people whose experience and perceptiveness could stimulate both debate and action. It was also important to ensure prompt publication, since those in the field are already having to draw conclusions and make plans.

Given its remit, the FEU naturally wishes to do what it can to ensure that changes in FE, even if initially concerned with governance or financial management, should have the final effect of improving the curriculum. In the early stages it is inevitable that there should be a concentration on the mechanics, timing and organisational consequences of the new arrangements. However, as always, means must not be confused with ends. The test of both the changes and our responses to them will be the extent to which our customers find that they have improved access to more, more relevant and higher quality learning opportunities, and that colleges find that they are encouraged to remember this mission and be rewarded for achieving their part in it. 'Their part', because whilst learners exist in a locality they are not confined to using any one college. This is where the regional perspective is important.

The articles that follow take some steps down this route. They argue cases and identify implications - but they also remind us of where we should be heading.

Geoff Stanton
Chief Officer
Further Education Unit

This text is a collection of papers on the Education Reform Act (ERA) and its implications, from writers whose personal perspectives and professional roles, collectively, provide an agenda of issues for practitioners - whether politicians, governors, local authority administrators or college managers. The editors have attempted to balance the contributions between key players on the national scene and college principals charged with consequential delivery.

The Bill has become an Act of Parliament and the action begins. The length and complexity of the public issues raised by the legislation have been the subject of much debate, remarkably little of which has focused on what now forms the maintained FE sector. Nevertheless, the changes in this sector are fundamental, particularly in terms of organisation and roles critical to the design and resourcing of the curriculum.

Change is not limited to the implications of the Education Reform Act 1988. It is the coincidence of these stimuli with many other varying interventions and pressures which will lead to multiple and sometimes unexpected outcomes. History shows that experience may be a hard teacher, for punishment comes first and the lesson afterwards.

Prompt publication of this text was vital if the papers were to stimulate debate and action. The timescale laid down is short. For example, the sensitive issues relating to renewing the instrument of government need to be identified, reviewed and resolved within a time span of two normal meetings of existing governing bodies.

Given the evolving process, it would be unrealistic to try to identify and address all the key issues facing practitioners at the levels of college governing body, local authority and central government. In any case, the dynamics of the process will quickly bring forth new priorities and perspectives. The editors accept that the operational environment rises to major significance at times of change and have given it priority. The focus of the papers presented range, therefore, from the contextual to the specific but concentrate on the general theme of making the Act work. We accept that we have made choices and some issues will have to be taken up elsewhere. The authors' perspectives are personal, their positions are authoritative.

COMMENTS ON THE ACT

The draft circulars[1] of the DES draw the reader's attention to the need to respond to (that is to climb or descend) 51 steps in preparing and submitting for approval not only college instruments and articles of government but also the scheme for funding and delegation. The comments below on aspects of the Act and the draft circulars are selective and readers should acquaint themselves directly with the source documents.

The Instrument of Government determines the size, membership and operating procedures (notably now the selection) of college governors. Governing bodies gain major new powers, the balance of constituencies is to shift radically from Local Authority membership to employment interest governors. An upper limit, but no minimum, has been set on size; boards as

small as five for large companies and major American colleges may indicate future directions.

The legislation raises issues which give rise to the need for new *Articles of Government* which provide for the way in which the college is conducted. The roles of the LEA, governing body and principal are set down, but with the major expansion of role relating to the governors. In particular a range of key personnel powers are defined which cast new duties and responsibilities in relation to the most significant aspects of resourcing.

The introduction of the *Scheme of Planning and Delegation* (which like the instrument and Articles requires the approval of the Secretary of State) is the most radical shift. The relevant draft circular [1] gives guidance on the fundamental and interrelated functions of college governance: planning, resourcing and financial delegation. All three form the role and policies set for the institution and touch upon how it will demonstrate its accountability. The shifts foreseen in terms of relationships with the LEA follow a pattern identifiable elsewhere in history for at least the larger institutions with less diversified markets and sources of funding.

In future, the Act requires that *college budgets* shall be related (through a formula) to planned levels of service. Student-based funding raises the issues of measurement of current and planned activities which could lead to models of flexibility or nightmares of units printed on elastic tape-measures. Questions of values, priorities and steerage will need to be addressed with each dimension of mapping.

In terms of content or subjects, the curriculum map envisaged may take a traditional form of subject-based analysis familiar to governors. To this may now have to be added analyses which take account of student purposes and needs. Measurement techniques will introduce parallel needs relating to the use and interpretation of academic levels of work, student modes of attendance and systems of delivery. Increasingly, the identification of sources of income will have a critical influence on curriculum planning, development and evaluation. The introduction of formula-based budgeting may provide opportunities to break new ground in imaginative ways, but it does not follow that it automatically will.

The draft circular[1] sets out four duties and eight powers for governing bodies which fundamentally change the relationship between the institution and the maintaining authorities. It may be that for some the first real test of these experiences lies with the impact of the Local Government Act (1988) on the ERA when colleges formally adopt a client role, writing the specifications for services going out to competitive tender. The lessons learned from this will give a taste of the freedom and demands of the market-place. It may have wide and varied applications given the new powers of backgrounds with the majority of the governors.

The draft circular[1] indicates:

> 'The Secretary of State expects that the general approach will be for each governing body to submit to the LEA annual proposals for the colleges provision.'

The LEA must draw up groupings for resource planning purposes which are simple, academically coherent and reflect resource implications. Underpinning both curriculum and resource planning has to be maximum flexibility with indicative rather than prescriptive student number allocations. As para 2.27 of the DES draft circular[1] states: 'colleges should have the same freedom to vire between student allocations as they will have under financial delegation to vire between expenditure headings in the budget.' In starting with the college, it becomes necessary to move to the strategic role of the LEA, and for multi-college authorities the interface between traditional positions and future planning roles may be at best uncertain.

What is likely to be initiated is a continuing process of cumulative change in the form and nature of the organisational climate and control within which the curriculum is designed, delivered and evaluated.

THE CONTRIBUTIONS

In their paper, Libby and Hull argue that the further education service faces a greater need to cope with change than any other sector. They point, however, to evidence of a decade of experience of continuous change and see the legislation as unlocking further energies. In support of their argument, they outline such factors as major shifts in the education of adults, assisted by programmes such as PICKUP (Professional, Industrial and Commercial Updating Programme) and REPLAN (DES programme to promote development of educational opportunities for the adult unemployed). The education support grants, changes in staff development and the planning processes of work-related non-advanced FE offer further illustrations of local delivery systems affected and supported by central initiatives.

It is the shift set for the role of the Local Authority from administrative and managerial to professional and strategic that is seen as a hallmark of the next stage of change. Libby and Hull also place considerable emphasis on the vocational, and to a lesser degree community, roles of the college, a position partly reflected in the membership of reconstituted governing bodies. The authors combine in providing a particularly timely and invaluable series of insights from their roles as senior officers in the DES which is notable for its positive perspectives of the roles of both the FE service and local authorities.

The second contribution is also from a national perspective, this time from the Education Officer of the Association of Metropolitan Authorities. Morris rehearses briefly some of the history and, essentially, a number of misgivings of the impact of the Act on local authority functions and responsibilities. He presents an alternative recent history on the interfaces between centre and locality.

Nevertheless, he moves from a recognition that not everyone can be expected to welcome all provisions of the Act and from a mourning of missed opportunities to a recognition that the time for debate has passed and action is now called for. Most of his text is concerned with positive responses and possibilities.

The authority/college interface is not simply that of the maintained institution. Bevan calls on his first-hand knowledge

of the ILEA polytechnics and assisted colleges to examine the question of corporate status for colleges. He recognises that being 'corporate' is somewhat more than the legal position, the implications of which he examines clearly and succinctly. He makes some very helpful statements on likely relationships and roles. He calls on the National Advisory Body's findings in *Management for a Purpose*[2] to point to the advantages of good management, mission statements and strategic planning.

The Governing Body may be seen as moving to centre stage, charged with wide-ranging, major powers. McAllister reviews a number of developments from the initial decision as to overall size through to the recruitment of new governors and their training. House styles and roles will emerge and change over time but future developments and culture will be influenced, though perhaps sometimes in unexpected ways, by decisions now being taken in the areas he outlines. It is becoming common place to argue that the operating environment and culture of the governing body is not that of the Board of a private company. Clearly it is not, though a number of key new governors may bring with them attitudes and expectations that encourage change in that direction. The potential for radicalism realised by the bringing together of a new body with a range of new powers has yet to be explored. McAllister's paper shows something of that potential.

If *Circular 7/70*[3] was one of the key operational documents in FE for the last two decades, then the two other for the same period were the Burnham (FE) salaries report (the blue book) and the Conditions of Service Agreement (the silver book). Shackleton's paper takes the replacement of these two as a starting-point for setting the Education Reform Act in a broader context as seen from a college perspective. She argues that 'the inappropriate industrial models' of a period of dispute sit ill in a professional context of public service and sees the settlement as offering hope for both flexibility and commitment in the future.

Much has been said and written with regard to teaching and learning styles and changed forms of assessment. Organisation and structural proposals relating to delivery are primarily dependent on the actions of lecturers in the laboratory, workshop and classroom. The rhetoric of curriculum-led institutional development has been extensively rehearsed and Shackleton's contribution indicates the range of forces for potential change gathering alongside the formal legislation.

The final paper in this collection uses the imagery of delivery vehicles and casts participants as lorry drivers. Pratley's curriculum analogy can be carried forward in terms of road maps and flexible routes rather than the parallel lines of trams and railways. She uses the FEU's model of the processes of curriculum development as a means of exploration. If the FE service is to become truly student centred and market orientated and be increasingly flexible and responsive, it needs to decide on its types of business. Few colleges are offering the chauffeur-driven limousine service at high costs and low mileage, whether for wedding, funerals or chief executives, nor indeed are they operating on the national haulage routes with high volume traffic.

Pratley explores a range of themes in telling ways. Fundamentally, she recognises that resource allocation will now intrude more critically into the curriculum processes. However, the tendency to pursue rational approaches to analysis and synthesis may be replaced at a time of change by more evocative political responses.

In the concluding observations, the editors attempt to draw from both the political and the rational paradigms in responding to some of the key issues raised by the individual authors. In introducing *The Changing Face of FE* [4], Parkes argues that 'changes in government and organisation have for most staff been cosmetic and most changes ... have in themselves been marginal but cumulatively they may add up to a considerable climactic shift'. It is perhaps a little early to give any verdict on the Education Reform Act, but outcomes are likely to be more substantive this time round. History suggests that significant outcomes are often unexpected. In exploring a range of issues at this point in time, the aim is to contribute rather than merely to comment on issues of the moment, particularly as the text is likely to be close in time to Royal Assent and the publication of departmental circulars.

As the toast master of the Old Time Music Hall calls out, it is 'mainly yourselves' who are now the key players.

Bob Kedney
David Parkes

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Don Libby and Rob Hull

The passing of the Education Reform Act marks 'the beginning of a new era'. Libby and Hull, as senior officers of the DES, are uniquely placed to contribute to this volume, being concerned both with the processes of debate surrounding the passage of the Bill and subsequently the preparation of departmental circulars. Their commentary gives a particularly valuable set of insights from the centre. In exploring the juxtaposition of the LEA, the college and the community, their perspectives of key issues and intentions are illuminating. They manage to reserve a substantive and positive role for the LEA as well as the 'colleges themselves with new found responsibilities and freedoms'. With an upbeat finish they declare:

> *'Central Government can only set the framework and that has been done. It is for others to build on what the legislation has provided.'*

Don Libby has been an Under Secretary at the Department of Education and Science since 1980. His current responsibilities cover further and higher education for industry and commerce, and include planning, financing, curriculm development and qualifications in further education.

Rob Hull has been at the Department of Education and Science since 1982. He is head of the Division responsible for the management, organisation, governance and funding of further education.

INTRODUCTION

More than any other sector of education, further education (FE) has to cope with change. Its students attend voluntarily and their numbers cannot be predicted from year to year. It provides skills and expertise in response to the changing needs of employment. To succeed, local education authorities (LEAs) and their colleges need to be dynamic and sensitive to the local community of students and employers.

The past decade has seen unprecedented change in FE. There has been a major shift from Britain's historic manufacturing base towards the new technologies and an expanding service sector. And there have been major fluctuations in the pattern of youth employment and unemployment. These have had significant implications for the pattern of provision in colleges.

Against this background, the FE colleges which will continue to be maintained by the LEAs after the creation of the Polytechnics and Colleges Funding Council (PCFC) sector have been remarkably successful. They have participated in the introduction of major new education and training programmes. The two-year Youth Training Scheme (YTS) now offers a programme of training and work experience for all those who do not wish to continue in full-time education beyond the age of 16. The Certificate of Pre-Vocational Education (CPVE) offers a broadly based programme for 16-year-olds before they opt for a particular vocational route. Colleges have expanded their provision of training and retraining for adults stimulated by the Department of Education and Science's (DES's) Professional, Industrial and Commercial Updating (PICKUP) Programme.

The involvement of the Training Commission (formerly the Manpower Services Commission) with the LEAs in the planning of work-related FE has promoted a greater consciousness of

labour market needs. Other national initiatives, including the College Employer Links Projects and the Responsive College Programme, have helped colleges to begin taking an active role in marketing what they have to offer. Her Majesty's Inspectorate, in their 1987 report *NAFE in Practice*,[1] described the colleges as providing a flexible and responsive service.

It is a mark of the FE service's success that, although the number of 16-year-olds in the population is beginning to decline, provisional figures suggest that a record 1,745,000 students enrolled for FE courses in the autumn of 1987. These include 346,000 full-time and sandwich students, 375,000 part-time day release, 309,000 other part-time, and 715,000 evening only.

THE FUTURE

But the Government believes that more needs to be done. The nation's continuing prosperity depends crucially on the skills and knowledge of the workforce. Jobs for those without qualifications are increasingly rare, and the qualifications which are needed are in short supply. So colleges have a critical role in giving people the education and training which they and the economy need. The measures in the Education Reform Act [2] are designed to help colleges to do that.

The FE provisions in the Act mark a fundamental shift in the relationships between the LEA, the college and the community it serves. They require extensive delegation of responsibility from LEAs to reformed college governing bodies. Some of the provisions reflect the Joint Efficiency Study which recommended greater delegation to colleges of control over non-teaching costs in its 1987 report *Managing Colleges Efficiently*.[3] The Government believes that, like schools, colleges can be more efficient and more responsive if they are free to manage their resources as they think fit. Many of them have budgets of many millions of pounds. The Government believes that it makes sense for them to have considerable discretion in running their affairs.

But colleges are not to be entirely free agents. They have to account to the LEA which funds them and to those who benefit from their services. The Act gives the LEA an important planning and monitoring role, and it gives local employers and others a decisive role on the new, more independent governing bodies of colleges.

What will be the context in which these new developments will take place? The demographic pattern will have a striking effect on the student population and on the needs of the labour market over the coming years. At the same time, there will be pressures for change in the nature of the provision on offer in colleges. The ability of the FE service to rise to these challenges will be crucial to its success.

THE CHANGING STUDENT POPULATION

In the coming years the decline in the number of 16- to 18-year-olds will have a dramatic effect on colleges and on the pattern of employment. By 1994 the number of 16-year-olds in the population will have declined from 802,000 in 1981 to 532,000; by 1994 the 16 to 18 age group will have declined by one-third. In early 1988 the DES Statistics Branch published student number projections for FE which took account of this effect.[4] Even on the most optimistic assumptions about the success of

colleges in attracting students, the projections show a marked decline in the teaching load of colleges.

This means that most LEAs and colleges will need to think seriously about their pattern of provision. Some rationalisation and a reduction in lecturer numbers seem inevitable. But colleges will also want to respond by actively marketing their courses. With the younger age group in decline, the obvious area on which to focus is the huge number of adults who could potentially benefit from education and training. Many colleges have already begun to expand in this area, often by increasing the attractiveness and accessibility of courses through means such as open learning. That is why the total number of student enrolments has held up so well despite the decline in the number of younger students.

Colleges will also need to respond to the different needs of the various students for whom they cater. One particular category is those with special educational needs (SEN). Since the publication of the Warnock Committee's report[5] in 1978 there have been many advances in provision for SEN students, frequently as a result of local initiatives. Many students who in 1978 would have failed to gain access to colleges are now having their needs addressed. In the future, LEAs and colleges will be able to build on these foundations, resting on the clear statement in section 120 of the Education Reform Act that in exercising their duty to secure the provision of further education LEAs should have regard to the requirements of SEN students.

That is the picture from the college's point of view. Equally, the needs of the economy will dictate a major expansion of training and retraining for adults. With the economy buoyant, employers are likely to compete energetically for the declining number of school-leavers. At a time when young people are in short supply, it will be important to keep a clear view of the long-term need for them to gain a firm grounding in education and training beyond the age of 16. For some, staying on in full-time education and gaining higher level qualifications will be the right route. For others, work-based training, either through YTS or through full-time employment, will be better. Whichever route is taken, the objective should be that all young people have opportunities to gain further qualifications. But whatever happens, the fact remains that the supply of trained youngsters will just not be sufficient to satisfy the needs of industry and commerce.

The updating of people already in the workforce is therefore a key to companies' competitiveness. Because of the change in the age structure of the population, out of every ten people who will be in the workforce in the year 2000, seven are already in it now. At the same time, the skills and techniques needed by a successful company do not stand still. A look back at the changes in office machinery over the past decade, for example, demonstrates that. The competitive pressures brought about by the removal of barriers to free trade in Europe in 1992 can be expected to increase the need to update the workforce. If business is to grasp the opportunities which this offers, then it must be able to respond quickly and effectively.

FE colleges are a national resource with a vital part to play in delivering updating courses to industry and commerce. Having

prepared people *for* working life, the education service has the potential to update people *during* their working lives. The DES's PICKUP programme was devised in the early 1980s when it was evident that the amount of updating of adults in work was low and could actually be declining. It helps colleges to increase both the quantity and quality of training provided to employers on a full-cost basis. Between 1985/6 and 1986/7 the number of students on updating courses increased by nearly 40%. PICKUP's target is that one in ten of the working population in England should receive this kind of training by the early 1990s.

Since the start of the PICKUP programme colleges have shown themselves competent to deliver updating courses and have grasped the opportunities available. The changes in the Education Reform Act will give industry and commerce greater opportunities to participate in the planning of college work. The colleges will have much greater discretion to determine which full-cost courses they should provide, and a proportion of the income generated by these courses should be invested to develop further provision.

Colleges are not responsible only for vocational provision directed specifically towards employment. Most of them also provide a wide range of general education, including GCE 'A' level courses. They often have the major responsibility for adult continuing education directed more widely towards the needs of the community. They provide a second chance for adults to fulfil their educational potential, through developing basic skills, improving command of language, and gaining access to higher education. The colleges may also meet local demands for learning opportunities in the liberal arts and in leisure activities, and may otherwise put their resources at the service of the community. Such provision needs to be flexible and diverse. It should take place within a broad LEA policy framework on matters such as cost recovery, open and distance learning, access for priority groups, including ethnic minorities and the unemployed, and liaison with voluntary and other providers.

THE CURRICULUM AND QUALIFICATIONS

Alongside developments in the student population, colleges will be coming to terms with the implications of the work of the National Council for Vocational Qualifications (NCVQ). This could have a considerable impact. The NCVQ is currently giving conditional accreditation to a range of National Vocational Qualifications (NVQs) based largely on packages of existing education and training. Even this implies change, but the longer term implications of the NCVQ could be more radical.

The qualifications now being accredited imply a move to a more competence-based approach to learning and assessment. It will mean a move to greater integration between what happens in college and what happens in the workplace for those in employment or on YTS. Much of this will not be new to colleges. It reflects changes in training over the past few years. But some college departments will need to move away from a traditional approach based on the teaching and assessment of knowledge to an approach which also conveys practical skills with direct application on the job. The growing emphasis on the relationship between college and employment will also highlight

the need for effective careers guidance and education. This is, as yet, a relatively underdeveloped area in some colleges.

In the longer term, the NCVQ will look to awarding bodies to change their requirements so that even greater emphasis is placed on work-based learning and assessment. Previous experience or qualifications, duration of course and place of learning will no longer be conditions for success. Of course, that does not mean that all learning and assessment will take place at work. Far from making colleges redundant, the NCVQ will offer them new opportunities. Much learning and much assessment will continue to be provided most appropriately at colleges. Even where it does take place at work, trainers and supervisors are likely to need a lot of help from colleges to undertake their enhanced roles. What it does mean is that colleges may need to shift their focus from being providers of teaching on their own premises to facilitators of learning and assessment wherever it occurs. This is a role which many colleges have already experienced to some extent, but others will need to adapt.

Under the reforms which the NCVQ will bring about, some courses and qualifications could become redundant. But that does not mean a consequential reduction in the volume of work for colleges. The new NVQs will need to leave room for the development in students of those qualities of versatility and personal effectiveness which colleges are often best placed to provide. But even here colleges do not have a monopoly. They need to demonstrate that they can truly add to what young people and adults learn in their everyday life and work. That presents a great challenge and a great opportunity.

STAFF DEVELOPMENT

All these developments will put a premium on the quality and versatility of college staff. At all levels they need to be equipped to respond to the new challenges of management and marketing, to be up to date in their subject areas, to be competent in the new approaches to teaching, learning and assessment, and to be responsive to the needs of new client groups.

Since 1982 the DES has been promoting staff development in FE to meet these challenges. This has included the training of staff to tackle YTS and CPVE. The DES's LEA Training Grants Scheme now includes programmes for college managers; for updating staff in their subject areas, equipping them for the challenge of PICKUP work; for developing a cross-curricular approach to information technology; for dealing more effectively with students with special needs; and for responding to ethnic diversity. DES, with the Further Education Unit (FEU), the Training Commission (TC) and the NCVQ, is currently looking at ways to ensure that staff are equipped to meet the new challenges of the NCVQ.

Teacher secondments to industry can be an important part of a staff development strategy. They give the college lecturer an increased familiarity with the latest industrial and business practices and a better insight into the training needs of firms. This helps with the development of new courses and the evaluation of existing learning materials. For companies, such links with colleges give an opportunity to influence the design

and content of courses. They help ensure that future employees are taught by lecturers with an up-to-date knowledge of business.

However, there are obstacles to the achievement of a successful secondment or exchange scheme. Problems include identifying appropriate staff, arranging funding for the secondment, and providing teaching cover. The DES has undertaken work, initially with the British Association for Commercial and Industrial Education, to develop an approach to brokerage. This development is continuing with the involvement of a wider network. Notwithstanding the difficulties, the value of secondments in broadening perspectives and changing attitudes is considerable.

THE ROLE OF THE LEA

The FE provisions of the Education Reform Act will not affect these developments directly. What they do is to set a new managerial and organisational framework in which the local partners are better able to carry out their respective responsibilities. The LEA, which is still responsible for securing the provision of adequate further education for the people of its area, plans the provision and allocates resources to its colleges. The college governing bodies in turn are left free to take decisions on the college's resources, its staff and its day-to-day activities as they think best to achieve their agreed objectives.

Under the Act each LEA is required to prepare a scheme setting out how college provision is to be planned, how annual college budgets are to be calculated, and how control over those budgets will be delegated to governing bodies. Schemes are to be prepared in consultation with colleges, and submitted to the Secretary of State for approval. Guidance on the provisions which the Secretary of State expects to be contained in schemes was set out in the draft Circular issued by the DES on 21 April 1988.[6]

Some fear that LEAs will no longer have a significant role in FE; that delegation and the reform of governing bodies will in effect remove FE colleges from their control. But we do not believe that this is so. The reforms brought about by the Act will leave the LEAs with a substantial role, while removing from them the details of college management. The intention is to place day-to-day responsibility in the hands of those close to the activity being managed and to give them substantial discretion over resources. The provisions of the Act do this and create more independent governing bodies which are closer to the customers of the service.

The key to the LEA's role is planning and co-ordination. Strategic planning is needed in FE to keep provision abreast of the needs of students and employers, and to eliminate gaps and wasteful duplication. Only LEAs are in a position to draw together the necessary information and dovetail provision between colleges and other sectors. The involvement of the Training Commission in work-related FE has demonstrated the value of a systematic approach to planning. The Act will extend this planning to the whole of FE, and so will reinforce the LEA's broad strategic role. Indeed, this statutory endorsement of the LEA's role in setting the overall pattern of provision could actually strengthen its position in some respects.

In giving colleges the freedom to determine in detail what they provide, the Act sets up a tension between the college and its LEA. The Government believes this to be a creative tension; it is certainly not a new one. Many LEAs have always had difficulty in effectively exercising control over the detail of what a college may do. As the Joint Efficiency Study revealed in its analysis of the control of non-teaching costs, they have succeeded in controlling particular items of expenditure such as non-teaching staff while not necessarily biting on what really matters - the provision itself. This is inevitable. If LEAs were simply to hand down to colleges detailed enrolment targets for each subject area, that would be a straitjacket. The service would become far less responsive. Colleges need to be free to respond to the actual pattern of demand, while taking account of the LEA's broad intentions about the contribution which they should make.

Of course, it is misleading to imagine colleges permanently at odds with the LEAs which maintain them. It will be in the interests of both to co-operate. Just as the LEA will want to involve its colleges in devising the overall strategic plan, so the colleges can be expected to keep the LEA in touch with their major decisions taken during the year. The LEA's power to determine the next year's plan and budget should make the colleges eager to demonstrate their ability to take sensible decisions within an agreed plan.

The LEA's determination of the resources for the FE service is not a simple mechanical exercise. It entails decisions about policies and priorities. The LEA is also the focal point for the receipt of specific grants from a wide range of bodies. Through these and through the development fund which the DES guidance suggests might be kept back from delegated college budgets, the LEA can have a real influence on those aspects of provision which are in need of change. It can use these funds to press through changes in the curriculum and in staff training in response to the developments described in the earlier part of this chapter.

The LEA's formal responsibilities for planning and funding are only part of the story. It will also have an important advisory role. Delegation shifts formal responsibility for management decisions to colleges. But as long as the colleges regard the LEA as a source of expert and reliable advice, they are likely to take advantage of what is on offer from the LEA rather than go elsewhere. Staffing is an obvious example where most colleges could never hope to build up the expertise on employment law which can be found in an authority's personnel department. But on curriculum matters, too, an LEA which has built up an inspectorial service with sound expertise will have a great deal to contribute.

The LEA's inspectorial service also has an important monitoring role. Delegation is not abdication. Formally, the college governing body acts as the agent of the LEA, and its powers can be taken back if they are used incompetently. The delegation schemes which the Secretary of State will approve will provide the LEAs with controls which enable them to step in if things go badly wrong.

The provisions of the Act give the LEA an important strategic role which no other body can satisfactorily perform. It is important for them to seize it and to demonstrate the contribution which they can make to meeting the needs of the coming decade.

THE ROLE OF THE COLLEGE

The college governing body will have a role complementary to that of the LEA. It will contribute to the planning process. In practice, colleges can be expected to make proposals to the LEA about the contribution which they can make in the coming years to meeting the needs of the area. The LEA will then bring together those bids and reconcile them with the needs as it sees them and with its view of the place of each college in its overall provision. The LEA's final plan is likely to be the result of negotiations over a period with its colleges.

But once the broad allocations are set, the governing body will be responsible for the exact pattern of provision. Within the broad framework set by the LEA, the model is of an entrepreneurial college looking out for opportunities to meet employer and student needs as it perceives them. Full-cost provision in particular will be very much in the hands of the college and its marketing efforts.

Of course, governing bodies will want in turn to delegate authority for day-to-day matters to college principals. The new governors are not to be executive directors. Many of them will be busy people with major responsibilities in their own spheres. Their function is to reserve for themselves the major decisions about the college's overall direction and to leave to the principal the detailed implementation of their decisions. The college principal, supported by the senior management of the college and its academic board, will carry a great deal of the responsibility.

The second role for governing bodies is to oversee the spending of the college budget. The budget, based mainly on planned student numbers, will be given to the college as a single sum. It will be for the governors to decide how best to spend it. There will be some constraints. Funds received as specific grants will have to be earmarked, and there will be a general requirement on the governing body not to over-commit the LEA into the future. But within these constraints, governing bodies will have full powers of virement between subheads, and they will have some ability to carry forward surpluses. They will also be responsible for seeing that the college is well run, efficient and effective. Again, some of these responsibilities will be delegated to the college principal.

The third role of the governing body is over college staff. Sections 148 and 149 of the Act provide for the delegation of powers over the selection and removal of staff to go hand in hand with financial delegation. Governing bodies will have the power to select staff for appointment by the LEA, and to require the LEA to remove staff from the college. Although LEAs will formally remain the employer, governing bodies will carry a great deal of responsibility. They will be expected to answer to industrial tribunals for their decisions.

All this will mean a significant increase in responsibility for colleges, and they will need to develop the expertise to deal with

it. In some cases it will make sense to have that expertise in-house. In other cases they may want to go outside, to the LEA or elsewhere. But, either way, the final decision will rest squarely with the college.

THE COLLEGE AND THE COMMUNITY

The reforms of college governing bodies will alter the balance in the relationship between the college and its customers. Already the college has links with its local area, but the Government believes that those links can be reinforced through a restructuring of governing bodies.[7]

The reforms of college governing bodies match those being brought about in the governance of schools and polytechnics. In each case, the governing body will become more clearly independent, with increased customer representation. The presence of up to 50% of governors drawn from local industry and commerce will also bring valuable business expertise. Colleges are major operations which have to work in a difficult, changing market-place. The governors from employment interests will encourage them to account directly to the business community for what they are providing. These governors will put them directly in touch with the needs of employment and ensure that colleges know about the latest developments in technology. They will facilitate the interchange of staff and students with industry and commerce. Involving more people from local firms will also give those firms a greater commitment to the college and will cause them to think more seriously about their training needs.

But employers are not the only customers of colleges. As we have mentioned earlier, most colleges also have a significant programme of general and academic courses. Some make specialist provision for students with special educational needs. The Act's requirements for the composition of governing bodies give opportunities to reflect these activities on governing bodies too.

The college will thus be at the centre of a network of relationships designed to make it alive to the possibilities for developing its role. In alliance with the LEA and the local community, including in particular the business community, it should deliver cost-effective provision of the kind which employers and students need.

CONCLUSION

Much has yet to be done to realise the opportunities which the new legislation provides. This will depend on the initiative of all the interests, but particularly of the colleges themselves with their new-found responsibilities and freedoms. Central Government can only set the framework, and that has been done. It is for others to build on the foundation which the legislation has provided.

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Bob Morris

It is difficult to decide whether the changes in role and relationships cast by the Education Reform Act are greater for the LEA or the college. As Education Officer for the Association of Metropolitan Authorities, Morris has been at the forefront of negotiation around such changes for the local authorities and recognises the stresses and pressures that will continue. Notwithstanding his catalogue of ills inflicted on the local authorities and the temptations of retrospective irony, he argues cogently for the positive responses by members and officers that will be needed to address the challenges at policy and professional levels. He also suggests that the muddy metaphor of 'strategy' requires definition in terms of aims and methods.

Dr Robert Morris has been Education Officer of the Association of Metropolitan Authorities since 1984. In 1987, he was appointed honorary lecturer at the University of Birmingham, where he is a member of the Centre for Education Management and Policy Studies.

BEWARE OF THE METAPHOR

The phrase 'strategic role' has become commonplace in discussion of the functions of the local education authority (LEA) under the Education Reform Act. Winding up the Second Reading debate in the House of Lords, Baroness Hooper tried to allay fears that the provisions would undermine the LEAs; rather, she said, the intention was to set out 'a new strategic role' for them.[1] Similarly the Government's consultation paper of August 1987 had described how financial and other powers would be statutorily delegated to FE colleges 'within a continuing framework of strategic planning by the LEA'.[2]

The functions, that is the duties and powers, of the LEA under the new Act can be exercised with imagination, political judgement and professional expertise; there is nothing unworkable in the new structures and procedures. The FE provisions of the Act can be welcomed as a reform of the unsatisfactory legal basis of FE[3], and as a restatement of the broad and basic definition of FE in the 1944 Education Act[4].

The trouble is, first, that the talk of strategy is a metaphor - mixed metaphor, in the examples quoted above. Part of the task which LEAs have urgently to work through is to express the concept of strategic planning in defined aims and methods. Secondly, the parties to the process, including local authority elected members, officers, college principals and other staff, governing bodies, and industry in all its local forms, the Training Commission, voluntary bodies and many others, have to work with considerable commitment to make the whole enterprise succeed. Several factors, however, may work against that commitment.

PROBLEMS TO BE OVERCOME

Following enactment of the Education Reform Bill, the LEA 'family' could have an unevenness of responsibility. The LEA will be responsible for the strategic planning, while the colleges determine which courses to run and which qualifications their students will be able to work for; how the budget is to be disbursed; the form of relationships with industry, commerce, the professions and public services; how much work will be done

for outside sponsors at full-cost fees; the organisation and staffing establishment of the college; teaching styles and staff discipline.

So far, the examples are well within the thinking of Ministers, as revealed in the consultation document of 1987, the Bill and the guidance notes of April 1988.[5] On their own in this way, the colleges will be in direct competition with each other, will lack the protection of external co-ordination, and will seek to meet the requirements of the segment of the market that they do business with. Against a demographic background of still sharply declining numbers in the 16+ and 19+ age groups, colleges could easily find that the competition is one of survival.

For its part, the LEA, in the worst-case scenario, could play only an unobtrusive part in FE, keeping to the minimum of statutory requirements unless and until challenged. And, despite the scope for litigation about any huge public service, there have been only a limited number of cases on the law of FE, and nothing to test the adequacy or otherwise of LEAs' provision.

In suggesting how the LEA's strategic role might be played, it is crucial to write the parts for the respective actors so that they relate to, and do not conflict with, each other. In other words, effective management at LEA and college levels should jointly operate a responsive system.

If colleges are left on their own, the result is hardly likely to be chaotic; but it will be uneconomic, in two senses.

The first sense is that of value for money. Without any constraints of course approval, or agreements on the location of courses in some places rather than others, there will be both overlaps and gaps. The other sense is that of the local economy, to which the local authority has to have regard in the exercise of its full range of duties. The fears about uneconomic provision are not far-fetched. FE has a reputation for unplanned and uncoordinated growth. The Secretary of State for Education and Science of the day (Sir Keith, later Lord, Joseph) made the complaint with some sensitivity in 1983:

> 'We have to recognise frankly that to those who are unfamiliar with it the FE world is an immensely complex one with different standard setting bodies at local, regional and national levels, with a bewildering variety of courses and a multitude of strange initials. Up to a point the variety is desirable and even necessary given the real complexities of the modern economy in society which the FE system serves and of which it is a part...'[6]

There have been other commentators, within or in close sympathy with the service, who have taken a perverse pride in the fact that FE has, like Topsy, just growed. In their standard work on FE, Cantor and Roberts used that very allusion.[7] The editor's introduction to the second (1988) edition of *College Administration* described FHE as 'not so much one system as the accumulation of many systems, overlaid upon each other'.[8] A leader in *The Times Higher Education Supplement* said that public sector HE was 'an accidental and residual phenomenon'.[9] However that may have been, the creation of the National Advisory Body (NAB) in 1982 achieved something which earlier initiatives[10] had failed to, by bringing to bear at national level a

coherence of planning and a rationality of resource allocation in local authority HE.

As for FE, the solution which Sir Keith offered for consideration in 1983 had been 'a NAB for NAFE (non-advanced FE)'. There was no obvious justification for that kind of planning mechanism, though, as FE funding has not depended upon a national system of pooling costs through adjustment of the rate support grant (RSG). More importantly, FE's main clientele is a local or regional one, and the sort of detailed decisions which NAB properly took at national level would be inappropriate to the college of FE.

Unfortunately, ministers were persuaded, having formed 'an impression' - as Sir Keith himself admitted[11] - that structural reform was urgently needed, and the White Paper *Training for Jobs*, of early 1984, proposed the transfer of a significant proportion of the resources for work-related NAFE from local authority expenditure to the account of the Manpower Services Commission (as it then was).[12]

The great majority of the money was to be used by the MSC to fund courses at LEAs' colleges, and so in a sense the proposal was for a somewhat more elaborate way of recycling public money. But LEAs were under no misapprehension that the change - introduced without either consultation or warning - was intended as a reproach. The White Paper said so:

> '...public sector provision for training and vocational education must be made more responsive to employment needs at national and local level. The public sector needs a greater incentive to relate the courses it provides more closely to the needs of the customer and in the most cost effective way.'[13]

Eighteen months of acrimonious debate followed this announcement, but there was eventually a settlement, worked out between MSC and the local authority associations, and approved by ministers. The story is chronicled elsewhere,[14] but it well illustrates two themes relevant to the present paper. The first is that the political nature of the decision, and the reaction against it, threatened relationships and was completely contrary to any form of 'partnership' over the respective responsibilities of central and local government in education. The second lesson to be learnt is that the settlement has had beneficial results, including the discipline of the development plan and annual programme for work-related NAFE in each LEA's area.[15] The planning process has itself been helpful as a collaboration, but one early criticism[16] was that MSC was not at the time in a position to deliver labour market intelligence. There have been improvements, and an understanding that much local labour market intelligence will derive from the local authorities themselves, as physical and economic planners. MSC has been drawn into the process, and it would be offensive to say that one party has colonised or domesticated the other. Perhaps the happiest imagery would be to say that the work-related NAFE undertaking has shown MSC - now the Training Commission - to be a reagent rather than a catalyst: 'catalysis' in this context has always been an arrogant claim for the Commission, as it too has changed as a result of its participation in the education system.

As part of its campaign against the Government's proposals, the Association of Metropolitan Authorities (AMA) commissioned two studies of NAFE. *Responsibility and Responsiveness*[17] was published while the battle raged; it described the good and the less satisfactory features of eight case studies of FE's responsiveness to local or regional industry (to its demands and to its problems). The second publication followed the armistice, was more eirenic in its tone, and reported a piece of research that had produced evidence not previously available nationally. It looked at three areas of work: construction, catering, and information technology (in certain areas of the FE curriculum). Even so, this second work, unglamorously entitled *Survey of Aspects of Non-Advanced Further Education*, came to a similar conclusion to one of those in the first. The then Chair of AMA Education Committee wrote in her foreword:

> 'The fact that firm information has not hitherto been available about developments of national concern suggests that there is a missing dimension - namely, a policy which encourages and supports the responsibility and responsiveness of LEAs and their colleges. It is to be hoped that the LEAs, the DES and the MSC can co-operate in developing a policy which gives effect to the national interest by promoting provision for locally perceived needs.'[18]

In one way, therefore, there is a good precedent in the NAFE agreement for the sort of approaches that LEAs might take in fulfilling in a real sense their changed functions in future.

But *Training for Jobs* has not been the only recent shock to the system. A similar injustice was seen by people in local government in the proposals set out in the 1987 HE White Paper. That acknowledged the cost-effectiveness of public sector HE, and, within that, local authority HE. Nevertheless, it went on by steps more of imagination than of logic to postulate that it was 'no longer appropriate' for LEAs to control the major institutions providing most advanced FE.[19] Other distinctive features of this White Paper were that it had been done from start to finish in three months of confidential work while NAB's Good Management Practice study was completing its more modest recommendations under the wholehearted sponsorship, as was thought at the time, of both central and local government.[20]

It would be both foolish and dishonest to present any analysis of the fraught state of relationships between local and central government in education without referring also to the backcloth. The Education Reform Act has been only one of several pieces of legislation expressly designed[21] to reduce the powers of local authorities - in housing, for example, or local government finance. There has been sharp rhetoric on both sides, while in the middle some local authority politicians have complained that fundamental legislation was attacking local authority decision making because of a perception of irresponsibility on the part of some councils.[22] The latter were criticised for indulging in 'gesturism', in exceeding their implied bounds of legitimate interest.[23] Whatever the rights and wrongs of the quite bitter arguments, they have been of an undoubtedly political nature, and have contrasted with the at times cosy relationships of the

post-war consensus,[24] and they have raged across education as well as other services of the welfare state.

The purpose in rehearsing these causes of controversy here is to explain why it would not be totally surprising if LEAs were inclined to stand off from some of their powers, if not actually their duties, under the 1988 Act.

During the summer of 1987, the Government's proposals for FE, as distinct from HE, were seen as relatively unthreatening: after all, there was, as the consultation document rightly agreed, a tradition of delegation to colleges, and, though the compulsion was resented, the concept of local business community representation in colleges was also a common feature of the service. What is still seen as a source of bad administration is the Act's requirement that the LEA shall - with only a few closely defined exceptions - appoint to its employment, staff whom the governing bodies have selected, and the LEA will also be obliged to dismiss those of its college employees upon whose dismissal the governors have decided. At present, it is unclear to what extent, if any, the LEA may be able to frame its scheme of delegation so as to provide for effective arrangements for staff redeployment from college to college, or may be able to secure alternative employment for competent teaching or non-teaching staff for whom the governing body of the particular college has no further need. Even if the prospect of widespread redundancy can be avoided, there remains the risk of discontinuities in employment for individuals who have hitherto enjoyed a reasonable security of tenure. The writer cannot resist recalling that Mr Jackson, Parliamentary Under Secretary of State at DES, has publicly argued that LEAs must continue to be responsible for FE provided in institutions which now are to be corporate bodies under the funding regime of the Polytechnics and Colleges Funding Council (PCFC), for otherwise the LEAs 'would be in the position of a general, some of whose best troops are under someone else's command'.[25] But what is true of courses is also true of teachers.

Another effect of the Act may be to bring back one of the unfortunate features of the past: that FE has usually been off centre-stage in some LEAs' affairs. Compulsory schooling has always been the main attraction and the limelight has fallen on its budget, its pattern of organisation and, at least in recent years, its curriculum. FE by contrast has seemed arcane, especially in its finances and the very specialisation of much of its provision. Paradoxically, the very extent of the delegation which many colleges have enjoyed since the reform of college government under the Education (No. 2) Act 1968 has meant that they have been somewhat peripheral to the day-to-day concerns of education committees.

It also has to be admitted that the pattern of regional support for FE is patchy. In its own enquiries in 1988, AMA found a spectrum of opinion among its members.[26] At one end, there was complete trust in the existing regional advisory council (RAC) to deliver planning and co-ordination for FE and HE under the new regime. Other LEAs in other regions looked to a sub-regional grouping to provide the means of settling inter-authority concerns, or to an association of education authorities rather than

the RAC. Elsewhere, however, there was no immediate prospect of formally constituted arrangements. LEAs might be able to rely on *ad hoc* contacts and what civil servants like to call bilaterals to sort out any inter-authority issues. Of course, the picture can change over time, but, for the present, those areas without the ready means of sorting out inter-authority agreements in FE and HE provision are probably going to be at a disadvantage.

The final cause of a worrying dissociation of LEAs from the full planning process can be seen in the formerly comforting theory of the 'new top'. The Council of Local Education Authorities identified this phenomenon in 1981.[27] When the colleges of advanced technology had been first designated and then hived-off and given chartered independence as technological universities, LEA institutions had developed fresh advanced provision to replace that which was now on the far side of the binary line.

The writer believes, however, that this time there is less likely to be a new top: rather, the stump may be cut back a little further before it is cauterised. This is because it is a plausible fear that the whole apparatus of the PCFC and its sector looks as if it was designed to separate, and to make it burdensome for LEA-maintained institutions to contract for, PCFC resources. In time, the newly restructured service will show whether the tendency of HE colleges to discard non-advanced work (or the parallel tendency for LEAs to withdraw FE from PCFC colleges to LEA maintained colleges) is to be complemented by an even more exclusive concentration of HE, as defined by schedule 6 of the Act, in the PCFC colleges.

In this context, the league table of colleges 'accredited' (in the US sense [28]) by the Council for National Academic Awards (CNAA)[29] will militate against, if not actually stop, any vigorous growth of HE in LEA colleges. It is for speculation to what extent the Business and Technician Education Council will be persuaded to relax its more direct control over what it validates and so allow more freedom to colleges. If there is a movement similar to that over the HE which the CNAA has been validating, that reform could also bring with it the unfortunate result of an outwardly perceived hierarchy of colleges in the system.

A BETTER WAY FORWARD

To expand the military part of the imagery of the strategic role, there is some defeatist talk in the above. One of the results of the acerbity of the debates over the proposals enshrined in the Education Reform Bill has been that some of the traditional values of local government may have been defensively overstated. It is salutary therefore to find, in the Griffiths report on community health care, the judgement that education can have a significant impact on the needs of, in particular, people with disabilities. 'In general, there is little confusion of roles and responsibilities in this sphere.'[30] In the kind of language which would now sound implausibly partisan from local authority people, Griffiths concludes:

> 'I firmly believe that the majority responsibility for community care rests best where it now lies: with local government. Elected local authorities are best placed, in my judgement, to assess local needs, set local priorities and

monitor local performance. What is needed is a strengthening and buttressing of their capacity to do this by clarifying and where necessary adjusting responsibilities; and to hold them accountable.'[31]

It would require only a small textual change to substitute 'further education' for 'community care' in the first sentence of that quotation, and there would be a ringing statement to which most LEAs would wholeheartedly subscribe. A description of the relation of care and education is set out in Lavender's recent FEU paper on that subject.[32]

Sir Roy Griffiths wrote as the Prime Minister's special adviser on health care, and as Managing Director of Sainsbury's. Less impartial, because of the composition of the group, but able to claim direct knowledge of local authority HE, the Pilkington report *Polytechnics' Local Links* has similar views, and the stirring justification of local authority involvement can apply across the spectrum of FHE:

'The local authority stands in a unique position in its community. It has the capability of being the knowledge base for education. No other body can match its authority in the provision of advice and information alongside its courses. Through its elected and co-opted members, teachers, officers and other staff it has an established and wide-reaching facility for consultation and liaison with industry, commerce and the professions, with universities, hospitals, research and similar institutions, with central government departments and the rest of local government services, and a great many groups and societies in its community.'[33]

In a constitutional sense, the local authority represents the community across all its relevant interests. Practically, it can provide not only education and training, but also industrial development incentives and assistance, and the infrastructure of much of normal community life and work. It can try to identify, with a precision that inevitably escapes national politicians, which kinds of people might be accounted as 'members of the local business community'[34]. The LEA can use and build upon its contacts with both sides of local industry. The authority is also provider of the careers service, and will have been successful in fostering school-industry links.

Local government has, despite some rough handling recently by its creator, Parliament, perpetual succession, corporate status, democratic accountability, and the expertise of the people it employs. It has, in summary, the capacity to take on the roles of planning, resource allocation, oversight, monitoring and - when necessary - intervention. What it may seem to lack at present is time. An unhappy feature of the present legislation is its intended speed of implementation. Schemes of financial delegation and new articles of college government have to be submitted to DES by 30 September 1989, other than in the area of ILEA, and, though there can be a phased programme of introduction, the Act requires that schemes should all be up and finally running within three years of their first coming into force.[35] Schemes can be modified in the light of experience, but two factors suggest the wisdom of keeping the changes as few and small as possible. These are the requirements to consult the governing body and

the Secretary of State on significant variations in the scheme; and the undesirability of destabilising a scheme by frequent amendment.

Much of the rationale of drawing up a scheme of financial delegation resembles the rate support grant (RSG) system, in that the object is to divide up a predetermined quantum of expenditure as fairly as possible among a number of dependent units, having regard to special circumstances in each unit, but trying also to base the calculation of the largest part of the distributed resources on quantification of population or client group. Then the process has attempted to take account of particular needs, social or economic, as far as can be expressed in a nationally applicable formula. NAB's funding methodology has been part of that system: education pooling has been a distinctive subset of calculations in the RSG. As with the grant system as a whole, so with the pooling element within it, there have been constant and perfectly legitimate debates on the balance between the rough injustices of a simple system of financial adjustments and a more sophisticated set of calculations which try to take account of local particularities but which are thereby interpreted as being over-prescriptive in detail. Thus, although NAB has sought to plan broadly at the level of the programme area, much of the hard argument has gone on at the level of the department or even subject or course.

Furthermore, that the RSG has produced abundant evidence of flawed design[36] is an uncomfortable omen.[37]

In any event, and even if ministers cannot accept that the whole process needs a longer preparation time than has been envisaged so far, LEAs themselves will have to look to a longer horizon. Such issues as the operation of PCFC - and it may well wish to revise its funding methodologies as it gains experience - and the changes, if any, which the Training Commission may make as it sloughs off the old skin of MSC, could importantly affect the planning and mechanisms locally. And, as noted above, LEAs at present do not have a single view of how they want to consult each other at regional or sub-regional levels. Other imponderables include the impact of the National Vocational Qualification on college courses, workplace testing of competence and rationalisation of provision. One of the subsidiary aims of the Review of Vocational Qualifications[38] had been to provide a better guidance service to trainees and students. That will take time to develop. Another undoubted reform, but one which is already proving slow to take off, is the exploitation of open and distance learning on a significant scale. Here, enough is known to show that the resource implications are heavy, though the educational possibilities are exciting.[39] As school authority as well as maintainer of FE colleges, the LEA is better placed than its own institutions to absorb some of the stresses of change and plan the funding of new initiatives.

More than that, the DES draft guidance gives cause for hope of real opportunities for local initiative. Emphasis is placed on the freedom to devise procedures and formulae to meet local circumstances. Everything, including the justifications, has to be submitted to the Secretary of State, but the owner of the scheme is in a good position to argue its strengths, as LEAs have found

with the work-related NAFE development plans. On the other hand, the Commission's rights and duties in respect of the local planning and its execution constitute an important external control on what the LEA and its colleges do.

The DES draft guidance also reveals the ineradicable bottom line: section (120) of the Act makes the LEA responsible for securing the provision of adequate FE. The wording is not dramatically different from that of the 1944 Act, but the procedures for prescribing delivery are more likely to stay in force than the original Act's requirement of schemes - in the sense of development plans - for FE.

The writer disagrees with critics who claim that lack of explicit reference to adult education in the new Act continues the deficiencies of the past. The wording largely lifted from the 1944 Act is broad and hence broadly enabling. It does not force a distinction between vocational and non-vocational work, a distinction which has educationally blurred edges; nor is there a sharp form of words for the youth service, or youth and community work more generally.

Yet the various elements of post-16, post-19 education are there. It would be no more sensible to seek a statutory definition of 'adequate' - in respect of these or other services - than it would be to demand that 'reasonableness' should be defined. The LEA is left with considerable powers of determination, and of integrating the whole of its FE into a single set of plans. Even the power to secure provision of appropriate facilities for HE, under the 1944 Act as amended by s.120(3) of the 1988 Act, may be used - if LEAs are willing to exploit the possibility - in at least trying to involve the universities in local transbinary planning. Traditionally, the universities have been jealous of their autonomy, but it is just possible that the creation of the PCFC sector may produce a lessening of universities' fears and a corresponding increase in willingness to engage in what will have to be called transternary studies.

In drawing up their plans, LEAs will need to negotiate around the sensitive borderline between their powers to secure appropriate HE in their areas and the powers of the PCFC colleges to provide HE and FE. The sorts of actual courses which will come under scrutiny in that exercise are identified by sub paragraphs 1(g) and (h) of schedule 6 of the Act, high-level professional qualifications and other advanced work.

In short, the LEA should enfold its FE planning into the whole of its post-16 planning. And, specifically, there will remain with the LEA the resolution of such questions as the feasibility and desirability of tertiary colleges, and the shaping of the educational contribution to what might loosely be called the demands of leisure.

The draft guidance lists six excepted items (plus transitional and unspecified, but limited, 'other'), in respect of which it will not normally be proper for the LEA to delegate unfettered powers to the governing body. They are: capital, central administration and inspection, premature retirement and some other staff costs, the LEA development fund, contingencies and central government specific grant. These have significance beyond their obvious

financial technicality. Anything to do with setting and judging standards of performance is a strong strategic power, as is the overall control of the in-service training programme. There is some irony in the prospect that a specific grant, the kind of device that was anathema to local government purists (including the writer) in the late 1970s, will be one of the cornerstones of the duties of the LEA in respect of its own employees.

On that last item, much can be learnt from the parallel with DES's relations with LEAs. The LEA Training Grants Scheme (known vulgarly as GRIST) rests upon the massive specific-funding powers which the Secretary of State won by s.50 of the Education (No 2) Act 1986. 'Won' is barely figurative here: the powers which Sir Keith was acquiring had eluded Mrs Shirley Williams as Secretary of State in the Labour Government of the late 1970s, in the face of determined opposition by confident local authorities and their associations.[40] Times changed, and the new powers, as recommended by the Advisory Committee on the Supply and Education of Teachers, are in operation. LEAs have found the new regime helpful, despite continuing objections in principle to the specific grant; there have been both the earmarked funding and the statutory stimulus to plan in-service training as a whole for the LEA, to set and monitor attainment of objectives, and to spread the opportunities for in-service activities more widely than the earlier clientele of largely self-selecting volunteers.[41]

The moral for the relationship between LEA and college in this is that the former can have a significant influence on what is done, but has to show sensitivity in order to give the institution a sense of ownership of its staff development programme.

An analogue exists too for the LEA Development Fund: named like something out of Orwell's *1984*, a Mutual Development Fund was set up by MSC's enlarging the central reserve in its work-related NAFE funds, and adding new moneys to that. New moneys are the best-known lubricant for specific funding. If the LEA can demonstrate that its central reserve has capacity to fund college projects over and above the extent to which they would have expected their share of the FE budget to bear, then there will be useful scope for imaginative innovation.

But just as there are advantages that can be gained from learning from clever tactics of central Government, so there are problems that are difficult to avoid in any specifically funded scheme: the burden of continuing an initiative, perhaps with heavy staff costs, once the specific funding expires, and the administration of the peculiar mechanisms for the specific funding itself.

STRATEGY AND TACTICS

This paper has mostly kept off tactics: there is the imperative of the powerful metaphor, but also the availability of authoritative advice makes the supply of a further handbook on tactics unnecessary. The draft guidance was issued from DES in April 1988, months before Royal Assent to the Bill was expected. The Joint Efficiency Study report *Managing Colleges Efficiently*[42] was published in the summer of 1987, the result of a two-year investigation by DES and the local authority associations in parallel with NAB's Good Management Practice report. The DES draft guidance, Birch's handbook *Managing Resources in*

Further Education,[43] and Coombe Lodge Report 20/6, *Resource Allocation: Formula-Based Budgeting Models,*[44] are all written with an eye to the practical. The DES report on computerised management information systems, written with LEA input, should helpfully supplement the earlier guidance on more general themes.[45]

Daunting though the statutory provisions are, it is worth bearing in mind that they are second-order radicalisms. For all the rhetoric of change of practice and pedagogy, the FE and HE parts of the Education Reform Act are essentially about structures, ownership and new means of control. (The writer believes that that is a characteristic of even the provisions on the school curriculum, but that view is likely to be more controversial.)

Realisation of reform will depend on the institutions and the LEAs. The confidence that comes from already well-established working relationships and from the possession of knowledge of needs, practicabilities and capacity strengthens the LEA in its exercise of the strategic responsibility. Financial and other resourcing, information and guidance add up to a more effective means of influencing the course of educational developments than does the heavy hand of legalistic direction. The greatest strength of all lies in the ability to plan local provision locally. That is why the nation still has the systems and services of local government.

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John Bevan

Schemes for funding and delegation required by the Act make a wide range of fundamental changes to the position of colleges and their local authorities. With typical clarity and precision, Bevan calls upon his knowledge of ILEA and its polytechnics to discuss the corporate status option; to pinpoint issues critical to the future rather than the past; and to reach a series of finally balanced judgements. In clarifying 'assisted status', Bevan also helps with a host of associated issues and presents a cogent perspective from a national role. This thoughtful and thought-provoking paper cuts through complexity to deliver some common sense and 'clean and tidy' judgements.

John Bevan is Secretary to the National Advisory Body for Public Sector Higher Education. He was previously responsible in ILEA for all post-school education.

INTRODUCTION

Prior to the presentation of the Education Reform Bill (now the Act - ERA) to Parliament, the presence of a few corporate colleges within the local authority provision of FE and HE could be seen as an anomaly. The universities were corporate, of course, by Royal Charter or Act of Parliament; there were the twenty or so church colleges operating under trust deeds; and there were a few examples closer to the local authority world of corporate (but direct grant) agricultural colleges. Within LEA provision, however, only the ILEA polytechnics (and a few small assisted colleges) were genuinely corporate bodies, being limited companies.

The Act has changed the position radically. A new group of major colleges (including all the English polytechnics) is to become corporate (and charitable) by statute, leaving their LEAs at the same time. Within the LEA framework, almost all the remaining colleges are to have a substantial increase in the powers and responsibilities devolved to them: and provision is made for the governance and operation of colleges which are - or become - corporate bodies *within* their LEAs, and thus acquire assisted status. This latter position is the one recommended in *Management for a Purpose* (the NAB Good Management Practice report), concerning which the Government said in its White Paper on HE (*Meeting the Challenge*) that 'the grant of corporate status (i.e. within the LEAs) would not resolve perceived management difficulties, but would serve only to create new tensions between supposedly self-managing institutions and local authorities which would continue to see themselves as ultimately responsible'. Notwithstanding that comment, which was clearly made in the context of seeking to establish the sense and bona fides of the Government's alternative proposals for most HE colleges, ministers now favour the proposition that a number of colleges should acquire this particular form of corporate status: and in Wales, of course, it is what is on offer to the major HE colleges.

The aim of this chapter is, therefore, to examine some of the issues facing colleges when they consider whether to seek corporate status within their LEAs: and to do so by looking both at the issues of principle and the practical implications of such a

status. Many of the colleges most concerned with the possibility will be, in the jargon, 'mixed economy' colleges, i.e. their range of provision will encompass both FE (to be funded in the future, as now, by their LEA, but with the help of rate support grant (RSG) and recoupment) and HE of both the newly defined types (Polytechnic and Colleges Funding Council funded by contract; and 'local', therefore funded by the LEA with the help of RSG but *without* recoupment). This diverse range of provision - although perhaps very little changed from that currently offered - will be, at least in planning and funding terms, rather more sharply separated than hitherto - under the new regime, each college will need to account for its work both in the narrow (financial, auditing) sense, and in the wider sense of accepting full responsibility for its relevance and quality - and these accounting requirements will undoubtedly impact on the college's assessment of its own position.

BEING CORPORATE

Whether a college becomes corporate or not, it will be required by the Act to establish a new governing body, different in composition and intended functions from that which it currently has. But the establishment of a new governing body has nothing, as such, to do with being corporate.

The essence of being corporate is that a college becomes a separate legal entity. This is *not* the same thing as being 'independent' or 'autonomous'. An LEA-maintained college has no legal existence apart from its local authority, so that however great the degree of freedom allowed to it in its day-to-day operations (it may, for example, actually enter into contracts on the signature of a college officer) everything it does is, in law, an act of the authority (the contract is signed *on behalf of the authority* by one of *its* officers). A corporate college, on the other hand, is legally distinct from its LEA *even if it continues to be largely funded by it:* it becomes 'assisted' rather than 'maintained', and its acts (such as entering into contracts) are its own.

Notwithstanding this, it may, of course, be constrained by external forces in its freedom of action: thus a (corporate) university, being dependent on the University Grants Committee (UGC) for the greater part of its funds, may, *de facto*, be prevented from opening a new faculty in subject X - even though it is legally free to do so. Similarly, all forms of corporate public sector college now envisaged are, or will be, constrained to a greater or lesser degree in the exercise of their legal rights. It is important to understand this point, because there is considerable confusion about the distinction between being corporate and being autonomous. In simple practical terms, autonomy (within the law) comes with financial independence from a dominant funding body, whether public (central or local government) or private (e.g. a holding company); none of the major FE providers in this country is likely to be 'free' in that sense. In practice, the majority provider of a college's funds has considerable power and this remains the case whether that power is wielded in the last analysis through a direct instruction to an individual (LEA to employee in a maintained college), or through the medium of a funding agreement (like the ILEA Block Grant conditions for the inner London polytechnics, or the Financial Memorandum

promised as the regulator of the contractual relationship between the PCFC and its colleges).

On the other hand, *in practice*, a corporate college is likely to be relatively more independent than a non-corporate one, if only because as a separate legal entity it has a proper power to act on its own, and because - at the margin - its funding body is less likely to interfere, or to seek to impose its own preferred course of action. The ERA provides, as has been said, for the delegation of substantial powers and responsibilities to individual colleges: but it is delegation, and not transfer. There is no doubt that corporate status is likely to be administratively tidier than the alternative. It must, nevertheless, be recognised that considerable power remains with the funding body, and is capable of being exercised: the best illustration of that is that the ERA, as originally drafted, gave the Secretary of State the power to require either of the new funding councils to require any one institution, as a condition of grant, to act in any one way (however highly detailed and specific) that he chose to direct. The power has since been removed from the minister, but it remains in the same form with the funding councils themselves: just as such a power (subject only to the limit of reasonableness, and of specific statutes) has always lain with local authorities. The arguments put forward in the White Paper had nothing to do with *freedom* from constraints: they were about the location of the power to impose constraints.

So, then, a corporate college is a free-standing legal entity - but it is not, in any necessary way, 'free': to quote the Royal Commission of 1895, 'it is well....to recognise...that political control goes necessarily with the bestowment of public money'.

TYPES OF CORPORATE COLLEGE

There are, as suggested in the Introduction, four principal types of corporate college: and it may be helpful first to identify them again, and then to comment briefly on the two forms of incorporation potentially available to a college within a local authority. A college can become corporate by virtue of a Royal Charter (like the universities), or as a consequence of an Act of Parliament (like the new Polytechnics and Colleges Funding Council (PCFC) colleges): either process may (but need not) also make the college a charity, and in practice this has been done in every case. Neither of these routes is readily available to an LEA college.

Local authority colleges may choose to seek to follow the example of the voluntary colleges, and operate under a Trust Deed (and this may indeed prove to be the eventual solution for some few rather special institutions presently within the ILEA): or they may choose to emulate the ILEA polytechnics, and become incorporate as Companies Limited by Guarantee.

The ERA implicitly assumes that, where incorporation is undertaken, the latter will be the route of choice. Again, in either case, the college may seek also to be registered as a charity, but this is not automatic. It is, however, despite the likelihood of extended negotiations with the Charity Commissioners, to be preferred, because:

- the college's competitor institutions are educational charities;

- there are (currently) advantages in relation to the payment of rates, etc.
- there are advantages in relation to soliciting and receiving gifts (e.g. of equipment), and raising funds.

Strictly speaking, a Trust Deed can, at least in principle, be executed without reference to any additional external parties, whereas a college can only become a limited company by registering itself under the Companies Act; and it can only maintain that status by continuing to comply with the requirements of the Act in relation to such matters as accounts and reports. These are, however, empty distinctions in reality, because the Secretary of State has powers under the ERA to require the modification of a Trust Deed; and, more generally, power to approve (or modify) the relevant instruments and articles of government. Moreover, the requirements of the Companies Act are not particularly onerous: and there are potential drawbacks to the alternative (Trust Deed) procedure. In particular, it is almost impossible to make the Trustees and the Governing Body of the college co-terminous, whereas it is relatively easy to keep the Governing Body, and the members/directors of the limited company one and the same. Since it is the Trustees who are the legal entity - and own the property, and employ the staff - this can give rise to some difficulty. In consequence both of this and of the assumption implicit in the Act, most LEA colleges contemplating corporate status should follow the company/charity route. It is worth emphasising that the two processes should, as far as possible, be synchronised. There is no virtue in having to go through the toils of revising the Company's Memorandum and Articles of Association simply because the original version proves in the event to be unacceptable to the Charity Commissioners.

A brief mention should also be made here of the position of *existing* trading companies, established for limited purposes within a few maintained colleges. If the college were now to become corporate, the position of the trading company would need to be reviewed (and, possibly, some technical changes made to its memorandum and articles of association) - but it would *not* become redundant. As a trading subsidiary, it would still be needed to take (and to take separately) the identified trading risks - typically in the consultancy area - that originally justified its setting up.

CHANGES IN PRACTICE

What then are the changes implicit in a college's becoming corporate within its LEA? It is useful to look first at the college's *raison d'etre*, the courses that it provides. In respect of the pattern of courses, their syllabus, the processes of student selection and admission, the teaching itself, and the setting of standards ('quality control'), there is no reason to think that becoming corporate will have much direct effect. In terms of many of the essential elements of the day-to-day life of the college, no difference will be seen. The ERA does away with the present system of course approvals (although leaving in place the duty of the LEA to undertake the strategic planning and co-ordination of provision as between colleges and other providers, and the allocation of planned student numbers in broad areas), and makes

no mention of any role for Regional Advisory Councils (although requiring LEAs to collaborate with one another). But, in as far as the changes impact on the ways in which colleges plan for their own work, the possession of corporate status seems likely to be irrelevant.

At two other levels, however, the corporate college may find arranging its portfolio of courses somewhat easier. In principle, it can (but subject to its funding agreement with the LEA that assists it) negotiate and enter into contracts with individual employers *directly*. And if some of its HE courses fall to be funded by the PCFC, it has the capacity to make contracts directly with the Council. On the other hand, large customers (most noticeably the Training Commission in respect of work-related non-advanced FE) will in practice make contracts with the LEA, and rely on it to parcel out the work to individual colleges, especially - and most obviously - where there are more than one or two colleges within the authority's area. There will still be considerable scope for local variations of practice in this regard, whether or not individual colleges go corporate.

It is in two other respects that most change will be apparent: financial practices and staffing. In respect of both of these, the ERA provides for substantial delegation of LEA functions to colleges. In particular, whether they are corporate or not, colleges will have effective control of their own (one-line) budgets, and will make their own staffing decisions. Considerable change is inevitable and the real distinction to be made is between that which is consequent upon the Act, whether a college is corporate or not, and that which would follow (and perhaps only follow) the achievement of corporate status. On the financial front, colleges will have almost unlimited powers of virement, subject only to constraints in respect of the use of earmarked funds, and on forward commitments affecting the LEA: it seems unlikely that an assisted college could hope for more. Each college will have power to buy goods and services more or less where it will (but subject to *central* government constraints), and will be able to carry forward surplus funds from one financial year to another. Again, a corporate college operating under the aegis of a funding agreement (Block Grant conditions) could not hope for more. Controls on capital expenditure deriving from Treasury imposed constraints will bite on corporate as on maintained colleges, and only - possibly - in the area of minor works and equipment purchases (from capital) will a corporate college perceive itself as having any greater freedom of action than a maintained one. On the other side of the coin, a maintained college has no VAT problems: notwithstanding the substantial delegation of the LEAs' functions to the colleges, the acts of the college are acts of the LEA, and it can in turn continue to reclaim VAT as now. The corporate college may well be in a different position: at the moment, the ILEA polytechnics' VAT payments are reclaimable by the Authority by virtue of a special agreement with the Inland Revenue. As colleges corporate *within* their LEA, their activities are *deemed* to be part of its own, but there is no guarantee that such an arrangement could or would be arrived at for newly corporate colleges assisted by their LEAs.

As far as staffing is concerned, the issues are quite remarkably complex. Indeed, the NAB Good Management Practice Group (GMP) considered them at considerable length, and the principal constitutional recommendations of their report turned, in the end, on staffing considerations. It could be argued that the position has since been made even more complex by the complicated provisions in the ERA which give maintained FE colleges the right to exercise, *de facto,* powers that they do not (and cannot) enjoy *de jure* because they are not corporate entities. Consider the example of a college wishing to employ a new member of staff. The position is as follows:

i) in an existing LEA-maintained college, whether or not the LEA is directly represented at the selection stage (perhaps by an officer), the college's choice is (legally) no more than a recommendation to the local authority. The authority may choose whether, and who, to appoint - even if in practice it invariably acts on the college's recommendation. Indeed, even if the LEA has formally delegated the staff appointment function to the college (perhaps for junior grades only) it remains the employer, and can at any time reserve the relevant functions to itself. Similarly, the member of staff can look to the LEA (as the employer) on *any* employment-related issue - including, in this instance, the selection process, should there be a grievance about it.

ii) in a post-ERA LEA-maintained college, the LEA remains in law the employer, but is now effectively obliged to act (except in a few rather special circumstances) on the college's decisions. In particular, the college selects the new member of staff under its own arrangements, and the LEA *must* then enter into a contract of employment with that person. But - although the law here remains to be established and tested - the individual, although in the employ of the local authority, has no recourse to it: and the college (through its Governing Body) is answerable, if needs be before the Courts, for its actions, even though it is not a legal entity.

iii) in an LEA-assisted college, post ERA or not, the college, being corporate, makes its own appointment, and takes all the consequences. The position in a PCFC-funded college, corporate outside the LEA, is exactly the same.

This illustration relates only to the processes of selection and appointment: it can, of course, be mirrored over and over again in relation to grievance, disciplinary and dismissal procedures, and in respect of such matters as responsibility for health and safety. There is no doubt, as the GMP Group concluded, that the procedural knot can only be effectively and tidily cut by the grant of corporate status. It is, perhaps, worth emphasising that whether corporate or not, the governing body will now have to accept, *and exercise,* all these responsibilities. It is highly likely, of course, that the principal terms and conditions of employment of staff will continue to be determined nationally (and imposed on corporate colleges as a condition of grant), but colleges will have to shoulder all the problems of local interpretation, addition, and modification - and meet the costs of their generosity (or mistakes).

It must not be overlooked, too, that there *are*, even in the staffing area, drawbacks to corporate status. The most obvious relates to redeployment. A college whose staff remain, in the last analysis, the employees of the LEA has in principle a wider recourse in cases of staffing difficulty than one which is corporate and which, because it is *de jure* the employer, must resolve its own problems of mismatch between staff in post and changes in educational needs. The extent of this disadvantage may, however, be minimised by the provisions consequent upon the Act enabling the governing bodies of maintained colleges, in the exercise of their delegated staffing powers, to frustrate rational redeployment by refusing to accept members of staff nominated by the LEA. (It should perhaps be added that it is not yet clear how the Secretary of State actually intends that such a situation should be dealt with in respect of post-ERA maintained colleges: the issue seems not to have been addressed).

SOME IMPLICATIONS OF DELEGATION AND INCORPORATION

The post-ERA maintained college will, as indicated above, have many of the effective freedoms of action that have previously been thought to belong only to the corporate college. In particular, it will be 'on its own' in managing both its budgets and its staffing. This will call for a change in attitudes - even in a maintained college which currently enjoys a very considerable degree of day-to-day freedom of action - far greater than is generally appreciated. At the same time, it will remain an integral part of the maintaining LEA: there will be no change in legal status, no change in legal employer or in contracts (whether of employment or of any other kind), but a sea change in the real, and accountable, location of ultimate responsibility. A change to corporate status would bring much the same changes in the real location of responsibility, but those changes would be accompanied by formal legal changes as well. It is at least arguable that the management of change would be easier in this latter case, if only because all the staff concerned actually see and receive a changed contract of employment.

Consider the management of the college budget: two new features loom large. First, there will come into existence a formal document relating to the terms of the budget made available to the college, and the basis on which it is determined. In the case of a maintained college, this will be the LEA's scheme of delegation; in the case of a corporate college, in addition to the scheme there may well be parallel 'Conditions of Grant' - analogous to the Block Grant Conditions currently used by the ILEA and its aided colleges. Not only will the college wish to be involved in the drafting of these documents - and (in most cases) this will be entirely new territory for senior members of the college staff - but also the existence of the document will impact on the college's own internal budgeting processes. This can best be illustrated by reference to NAB experience. In respect of all public sector HE colleges, NAB has devised and used a formula-based approach to college funding (and the approach enjoined on LEAs in respect of post-ERA maintained colleges is essentially similar), which is inevitably based on national 'averages' and 'norms'. Within many such colleges, internal pressures have then been brought to bear on college managers to the effect that the

same formula should be used as the basis of resource distribution *within* the college.

This is self-evident nonsense (if only, for example, because such an approach can take no effective account of developing work, or of the need to fund growth ahead of the actual recruitment of students) - but in at least some cases, weak college managers have succumbed to the pressures. The risk of a similar process taking place in the FE colleges post ERA is very real.

So much for the shape of the budget and its distribution. The second budgetary issue, overlapping the more general problems of staffing management, relates to the handling of pay awards. For the maintained college, the LEA may well continue to carry out the mechanical pay-rolling functions (although this is not automatic); but in the past, in almost all cases, the college has not had to worry about the effects on its budget of pay awards. Increases have been met by the LEA from within a central contingency reserve. This may now change; the college's budget will *include* its staffing budget, and will be fixed in advance (cash limited): it will in general be for the *college* to decide what contingency reserve to put by - and for the college to manage the consequences of pay awards. Only exceptionally (and if the LEA's approved scheme so provides) will recourse to a central contingency fund be allowable. To underline this point, it is sufficient to record that several voluntary colleges (which have been in an analogous position for some years now) have had to proceed to making staff redundant in order to balance the books.

In terms of the personnel function itself, both maintained and corporate colleges will be in a new position, and here the change in attitudes is crucial. For all practical purposes, college principals will be the last (i.e. most senior) managerial points of appeal: they must at one and the same time be prepared to take final executive decisions (subject only to their own Governing Bodies' acting on appeals), *and* distance themselves somewhat from decisions that they might previously have taken (or been involved in) simply because they are the senior managers to whom executive appeal lies. They can no longer say 'because the LEA says so' (whether true or not!) nor 'yes, of course you can appeal to the LEA if you think it will help you'. The member of staff (particularly if engaged in a function which has traditionally looked to Town or County Hall for discussions on 'custom and practice') will have to accept, and work within, a changed framework. This will be acutely obvious in cases of potential redundancy. It is of course said that major terms and conditions of employment will not change, and that they will continue to be determined outside the college. Indeed, even the corporate college will have no real say in these matters, any more than the majority of LEAs has previously done in practice. But if it can be argued that the locus of final decisions about hiring and firing, or even about the interpretation of terms of employment, is an important matter, then there will indeed be real changes. For example, a member of staff may currently have a right to appeal to a committee of the LEA in serious cases of grievance, discipline, or dismissal: no longer. In the post-ERA *maintained* college, that right is extinguished, notwithstanding that the LEA remains the legal employer. It is these complex artificialities of

the post-ERA maintained college status that lead most cogently to the argument that corporate status, though differing much less in fact than it previously did from maintained status, is much clearer and tidier, and hence to be preferred.

CONCLUSION: THE ISSUES FOR THE COLLEGE

Against this background, what then are the practical issues confronting the college, corporate or not? First, and above all else, a much clearer identification and collective involvement of the college management team than currently obtains in many institutions. By this is meant not simply the 'principalate' - important though a clear *senior* management focus undoubtedly is - but the wider team that includes not only heads of department but also key course leaders, and administrative and service managers. Unless this group is identified and given a clear role, the post-ERA college is highly likely to be a house divided among itself. Second - and generated within, and having the support of, this group - a clearly formulated, and *detailed*, statement of the college's aim and objectives. This will of course, and properly, start with a number of general statements of purpose: but it should also include not only details of the current (and short-term future) course provision, but also developmental aspirations in respect of areas of work (perhaps *not* courses), staffing and staff development, premises and equipment, services and support operations, and so on. Such a document is sometimes called a 'mission statement.' It is rather more than that: it is both a strategic and an operational plan for the college, regularly updated, and against which targets can be set and achievement measured. It is not, of course, either simple or easy to produce, and it must inevitably conform (more or less) with the LEA's own strategic plan. But without it the college is lost. And third - intangible but essential - a clear and widespread appreciation within the college of the political climate within which it is now operating, and the extent to which it is now 'on its own'.

Only after these practical steps have been tackled can the college effectively address the question of corporate status: but it should do so then. It will already have effectively begun to answer the questions identified in earlier sections of this chapter, and will therefore be better able to decide on its preferred course of action.

In parallel with these processes must come attention to modes of accountability and appraisal, the development of the use of performance indicators, and the consequential setting up of an effective management information system. *Management for a Purpose* has useful points to make on all these topics, but it is important to recognise that delegation of responsibility cannot stop at the college-LEA level. All the members of the wider management team will have defined functions to perform - and they must have the managerial freedom and authority to carry out those functions effectively. They may then (indeed, must) be held responsible for success or failure: and these difficult notions can only be related to performance if at least *some* (and never only one) quantitative measures are used. The determination of what these should be leads in turn to the specification of the information that should be recorded in, and readily available from, the college management information system.

The DES may in due course offer guidance on the processes leading to, and the achievement of, corporate status within the LEA framework. It is hoped that this chapter will help those concerned to identify and think about the issues when deciding, in the light of that guidance, whether to proceed to incorporation.

REFERENCES

This chapter has been deliberately written in general terms, with as few specific technical references as possible. The following is a list of relevant publications:

Education Reform Act, HMSO, 1988.

Management for a Purpose (Report of the Good Management Practice Group), NAB, March 1987.

Maintained Further Education: Financing, Governance and Law, DES, August 1987.

Higher Education: Meeting the Challenge (Cmnd 114), HMSO, April 1987.

Education Reform Bill: Draft Guidance on FE Schemes and Articles of Government, DES, 21 April 1988.

Education Reform Bill: Draft Guidance on the Reform of College Governing Bodies, DES, 5 May 1988.

Michael McAllister

The ritual of the Governing Body's termly meeting and the call upon loyalty to achieve a quorum in order to process a range of administrative matters may become little more than memory. McAllister explores a range of structural issues concerned with governance. In setting down the procedures by which the new governing body is to be established, he recognises that there is a need for change in role and functions that goes beyond those explicitly identified in the DES draft circulars. Governors will be central to the pursuit of quality assurance and might actually become the focus for key aspects of curriculum development. Constitutionally, the mechanisms for this have always been present and that presence is now to be given structural support. We shall see.

Michael McAllister is Principal of Blackpool and the Fylde College. He is himself a governor and past president of the Association of Principals of Colleges. With Bob Kedney he is undertaking, for DES, a study of governor training in the UK and the USA.

INTRODUCTION

Very definitely, our new governing bodies will be significantly different from the old - in composition, duties, responsibilities and powers. The Secretary of State wants a major discontinuity. However, the certainty with regard to the need for discontinuity does not extend beyond it and at this point in time there is only the certainty of change. Nevertheless, in my judgement, future prospects look good; undoubtedly they will be exciting.

This is not the place to rehearse the needs for change. Suffice to note that many (if not most) administrators and managers of maintained FE acknowledge that changes should be made to the way colleges are administered, governed and managed. There remain only the details to be negotiated; accordingly this chapter attempts to address some of the issues affecting the governance of colleges that need to be considered in the immediate future.

It is important to note that while these developments in the governance of colleges are taking place, simultaneously there will be changes in the curriculum offerings as a result of significant developments elsewhere in the system. These too will have a major impact on the management of colleges and therefore on their governance. The impact of the National Council for Vocational Qualifications (NCVQ) on the various examining and validating bodies, with which the colleges normally relate, will be very significant.

Quite apart from the most obvious curriculum developments that will result from the requirements for the award of a national vocational qualification, there will be major changes arising from the opportunities offered by the accreditation of prior learning. Alongside will be the (by now to be expected) influences emanating from the Training Commission.

But let us consider some of the changes arising from the new legislation that will affect the governance and management of colleges. In this chapter I will be taking governance to refer to both the structure and the process of broad strategic decision making by a college. Similarly, I interpret management as referring to both the structure and the process for implementing

such broad decisions. Although others have taken somewhat narrower definitions of these terms, I think it helpful, for present purposes, to interpret them in their widest sense.

The new governing bodies will have significantly different (and very much greater) powers, especially with regard to employment and financial issues. Furthermore they will be radically different in composition, the intention being to increase the influence of business and commercial involvement whilst correspondingly diminishing that of the LEA and college staff.

DELEGATION

Section 139 of the Act requires that, as well as providing for the planning, provision and setting of the college annual budget, LEA schemes should provide for the delegation by each authority of the management of finance to governing bodies. The Act provides that the governing body of a college which has delegated funds shall, subject to certain restrictions, have a one line budget. That is to say the governors may spend the money as they think fit for the purposes of the institution. It is very clear that the Secretary of State intends that governing bodies should have as much control as possible over college estimates. They must, of course, have regard to the continuing strategic responsibilities of LEAs and the need to ensure proper accountability for the way public funds are spent. But they will have a real job to do.

POWERS OF GOVERNING BODIES

It follows that the new governing bodies will have much greater powers than their predecessors. For example, within the delegated budget set by the authority, they will have the power to incur expenditure without further reference. It would be for the governing body to determine, in the light of the student number allocations set for the college, how available funds could be most effectively spent.

The new bodies will have the power to exercise virement much more widely. They have to:

- determine the pattern of course provision to be made by the college in the light of the programme area allocations set by the LEA;
- arrange for carrying out repairs, maintenance, etc.;
- purchase supplies, equipment and services from whatever source they judge best;
- carry forward surpluses from one financial year to the next, if they so wish, subject to certain restrictions;
- determine the use to which college premises shall be put, subject only to any agreements reached with the authority regarding their use by voluntary and other bodies in the community.

These greater powers will, we must hope, attract more senior and committed employment-interest governors into colleges. In the past, too many people have alleged that governing bodies are 'talking shops' with very limited powers. It will no longer be possible to make such an assertion. It would be very easy, perhaps all too easy, to say that the ball is now in the court of industry, commerce and the professions. To a large measure this

is true, but the FE sector has a responsibility to go out into the communities we serve and entice and persuade the new breed of governors to come forward.

However, in our search for committed, senior employment-interest governors we must not forget the need for senior LEA governors. Nor must we neglect their feelings and sensitivities. It is this group which might well feel that their present and previous contributions to the governance of colleges has been undervalued. The initial suggestion that they were to be denied even the possibility of the chair might well have contributed to this view. Even though they will no longer be in a majority, the colleges need them and their commitment. Not only will they be a vital link with the LEA at member level, they will also have a significant contribution to make arising from their position as democratically elected representatives from the local community. If this group take their bat and ball away we will all be in trouble! There is to be no opting out for colleges. Even if colleges opt for corporate status they will remain LEA assisted and an integral part of the LEA strategic plan and will continue to be funded by the latter. This group of governors needs to be convinced that because their numbers have decreased the influence of the individuals remaining will be that much greater. I certainly believe this to be the case. It is vital that they believe it to be so.

DUTIES OF THE GOVERNING BODY

Such powers, of course, carry with them duties and responsibilities including the duty to:

- manage efficiently the budget allocated to them for the purposes of the college;
- have regard to the legal responsibilities of the LEA;
- maintain college premises in a fit state of repair to the extent that the funding allocated to the college allows.

More than enough to provide a real job for the new governors!

Provided the college has an effective management team, these duties ought not to be too onerous. It may well be that the most important job of the new governing bodies will be to assist college senior management teams to face up to their new responsibilities. The new governing bodies will need to develop, with the college senior management team, the kind of relationship that exists between the Board and the senior management team of a successful company. In particular, the chair will need to establish the kind of relationship a company chair has with the chief executive or between the chair of the board of trustees of a USA community college and the college president. The responsibility for the appointment of the principal or vice-principal(s) will in future be entirely that of the governors and this is of major significance.

With these exciting challenges ahead, the whole community served by the FE sector, and in particular the employment interests, must surely respond by producing the new breed of governor.

APPOINTMENT, DISCIPLINE AND DISMISSAL OF STAFF

Sections 148 and 149 of the Act set the framework for staffing matters in colleges with delegated powers. Their main provision

is that the governing body will determine the staffing requirements (teaching and non-teaching, full-time and part-time) of the college and is responsible for selection for appointment by the LEA.

The governing body will have discretion to determine the grade to which all new members of staff are appointed according to the scale of grades currently applicable in relation to employment with the LEA, their duties, and, for part-time staff, the hours they will work. In addition any discretion allowed to the employer in relation to remuneration payable to new staff will be exercisable by the governing body rather than the LEA.

It will be the duty of the LEA to appoint staff selected by the governing body unless the person fails to meet current requirements of any regulation which was made under Section 27 of the Education Act 1980. (This section has now been replaced by Section 218 in ERA.)

What is new, and very significant, is that the new governing bodies can notify the LEA that they have determined that any persons employed to work solely at the colleges should cease to work there and that the LEA must give notice of dismissal within 14 days. The fact that an LEA has a no redundancy policy is not sufficient grounds for the authority refusing to dismiss someone the governors have declared redundant. Within the constraints of the law, governors are, therefore, able to both hire and fire staff. These powers set in the context of enhanced responsiveness and the pursuit of economy rather than effectiveness might lead to curriculum offerings as short cycle programmes based on income generated as a feature central, rather than marginal, to the FE scene.

The regulation of staff conduct, discipline and grievance procedures is entirely the responsibility of the new bodies. If, for example, a body decides to make a deduction from the pay of the member of staff, it shall be the duty of the LEA to take that action at its request. Members of staff will thus be accountable directly to the governing body via the principal. Section 148(7) of the Act requires that in cases involving the selection or removal of senior staff the body must consult the chief education officer and consider any advice he or she offers. As to the dismissal of staff, the draft circular suggests that LEAs may well feel that college articles should go beyond the minimum requirement and provide that the governing body should consult the CEO in all cases involving dismissal.

ACADEMIC MATTERS

The Model Articles of Government recommend that there shall be a means of consulting staff and students, normally through an academic board of the college which shall, subject to the overall responsibility of the governors and the principal, be responsible for the standards and development of the academic work of the college, including arrangements for the admission, assessment and examination of students. It is perhaps too early to judge the future roles of academic boards or their equivalents, but it seems likely that advisory functions and policy making will be clearly distinguished from executive action, and that academic matters, such as admission and assessment, will be differentiated from

management issues. Many will believe that this will encourage a more genuinely participatory mode within the college, with a better understanding of the financial restraints and policy commitments of an institution by everyone within that institution. Certainly all must hope that this will be the case.

SIZE

Changes to the size of the governing body are significant. Section 152 (1) of the Act requires that college governing bodies should not have more than 25 members. The draft circular issued on 5 May 1988 includes, as an annex, a model instrument which provides for a governing body of 20. This illustrative example deliberately sets the size below that of the upper limit of 25 members. Authorities are specifically invited to consider the case of governing bodies smaller than 20. The legislation in its present form does not specify a lower limit. Some authorities and colleges may conclude that a governing body substantially smaller than 25 would be desirable. The Secretary of State doubts whether a sufficient range of interests could be accommodated in a governing body much smaller than 10 members, but some authorities and colleges may well judge that a governing body of 10 or so members would be able to conduct business more effectively, and would be more attractive to potential governors (particularly those from industry and commerce) than a larger one.

It is worth noting at this point that, in the USA, governing bodies commonly have a composition of between 5 and 10 members. Furthermore these governing bodies have powers and responsibilities not significantly different from those proposed in the new legislation. We have much to learn from the American experience and it is pleasing to note that in the draft circular this is acknowledged, especially with regard to the training of governors. It is hoped that at least some colleges will explore the possibilities of having a governing body with only a handful of members.

In the past it has been all too easy, in trying to solve the problem of adequate representation for all the interests served by a college, to increase the number of governors. Not only is there now an absolute limit to the maximum size, there is a clear hint to explore the possibility of a much smaller body. There are problems (or opportunities) to be grasped. With a small body there will not be enough members to have a committee structure in the normal sense, but there would be the possibility of having a number of committees with alternative representatives each chaired by a governor. The need for a large number of committees could be subsumed by the new responsibilities and role of the governors. At first sight it might be difficult to reconcile a wide industrial and commercial involvement along with a significant community involvement, but this has been achieved in the USA and surely it is worth at least exploring in the English and Welsh context.

COMPOSITION

As well as being generally smaller, the composition of the new bodies will be different. It is the intention that not less than 50% of governors should be employment-interest or co-optees. Employment-interest governors must:

'be, or have been, engaged or employed in business, industry or any profession or in any other field of employment relevant to the activities of the college'

or must

'represent persons so engaged or employed'.

Few would argue with the wish to improve the representation of industry and commerce. However, there are potential problems and difficulties as well as opportunities. At the present time the legislation does not specify how the 50% group of employment-interest governors or co-optees should be split. That is left to be determined by individual instruments of government, but the Secretary of State intends that, in all cases, employment-interest governors should form a substantial majority within the 50% group - and that business people and employers would usually predominate. Where the pattern of the college's work is largely vocational, the Secretary of State would expect the 50% group normally to be composed entirely of employment-interest governors. Where colleges have a substantial proportion of non-vocational work, it is expected that there would be no more than three co-opted members in a governing body of 25 members, and proportionately fewer in smaller bodies. The balancing of employment-interest governors and community governors (although, of course, these may be the same) will present some interesting challenges, not least in those areas where unemployment is still a major problem. The fit between the mix of interests represented by the new governing body and the curriculum range of the college may not always be perfect but it is generally likely to be much stronger than at present.

SELECTION AND APPOINTMENT OF GOVERNORS

An important question is where will all these new governors come from and how will they get on to governing bodies? This is an area of uncertainty. The intention with regard to the initial selection of governors is reasonably clear. The LEA is required to draw up a list of bodies to nominate the required number of employment-interest governors. In drawing up that list, the authority should consult existing governing bodies and such other bodies representing business or industrial interests, the professions, trade unions or other relevant fields of employment including major employers, as the authority considers appropriate to the college. The final list of nominating bodies must be approved by the Secretary of State.

Following this the authority should appoint the employment-interest governors who are nominated by the approved bodies.

It is interesting to contrast these proposals with the existing situation. It is possible that in the future the list of nominating agencies could become fossilised and result in a governing body that is concerned with preserving the status quo rather than responding to required changes. There is also real concern that the ability of the nominating bodies to appoint, in effect, directly to the governing body may result in a lack of balance. At the present time use can be made of the ability to co-opt governors to correct any such imbalance and it is to be hoped that this possibility will be retained. However, the possibility is far from clear in the existing draft circulars, especially as the authority is

required to submit, with the instrument, details of the college's pattern of work to show why they have concluded that co-options would be appropriate. Can we, in the 1990s, leave to chance the possibility of an all-male (or all-female) governing body? There should be a location for an overview of the balance. Apparently it is not acceptable to the Secretary of State for the LEA to do this. Nor can we look to the United States for their solution for we do not have state (in our context, county) governors. Perhaps it should be up to the governors themselves to do this. If they cannot be so trusted, we do have problems!

Elsewhere in the draft circular it is apparent that this is the Secretary of State's intention for there is a clear statement that, where colleges cater for significant numbers of students with special educational needs, particular consideration should be given to the desirability of specifying that one co-opted governor should have experience relevant to the needs of such students. This is very much to be welcomed. But why not allow, even encourage, the governors to use their judgement and co-opt whosoever they think fit, taking into account the needs of the college and the expertise and interests of the serving governors?

As has already been commented, the requirement that not more than 20% of governors shall be 'persons selected and appointed by the LEA' presents some interesting challenges. Will sufficiently senior members of the education committee be prepared to sit on bodies when LEA representation has been so deliberately limited? It is worth repeating that the colleges are still local authority colleges and the two sides must learn to work effectively together in the changed circumstances? The commitment and involvement of these governors will be vital.

SEARCH COMMITTEES

The draft Notes for Guidance indicates clearly that the Secretary of State would be willing to include search committees on the list of nominating bodies so that such committees might nominate employment-interest governors. In all such cases a clear majority of the members must be drawn from business, industry, the professions and other relevant fields of employment, but an LEA representative and the principal of the college concerned would also normally be included. For many in FE this will be a new concept, but search committees have been used in the university sector in the UK and American colleagues are familiar with them. The possibilities offered by a search committee of, say, three employment-interest members, a representative of the LEA and the principal are such that at least some, if not many, will wish to use such a mechanism.

In addition to the employment-interest/co-optee and LEA groups of governors there will be a third group normally comprising around 30% of the governing body. Authorities are free to propose whatever arrangement for that 30% they consider will best meet each college's needs. The illustrative governing body of the model instrument suggest that, of the six places that might remain on a governing body of 20, after the employment-interest/co-optee and LEA places have been allocated, two could be allocated to college staff and one each to students, a neighbouring educational institution and an appropriate local community organisation.

It also suggests that the principal should be a governor. But acknowledgement is made that many other patterns are possible. Specific reference is made to those colleges which have a high proportion of students in the 16 to 19 age range, where authorities will wish to consider the case for including within the 30% group one or more governors to be drawn from among the parents of students at the college. This reference may be no more than the inability of some to recognise the distinctiveness of the FE sector from the schools sector, but certainly, if it were imposed (which apparently is not the intention), it has the potential to seriously undermine the ethos of those colleges striving to develop an adult community.

REAPPOINTMENT

At the present time governing bodies are appointed every few years; therefore there is an opportunity, on a regular basis, to appraise the contribution of individual governors and the contribution of the interest they represent to the work of the college. It is open to debate as to how far such opportunities are used, but no such automatic review mechanism is required by the Act. In the company analogy referred to earlier, the shareholders can, and occasionally do, remove board members. In the USA, trustees are normally appointed, or elected, for a specific term of office. This is an area of concern where more thinking has to be done.

Section 152 of the Act specifies how the first generation of employment-interest governors should be selected. It does not specify how the second and subsequent generations of governors should be selected. The illustrative model instrument provides that whenever a vacancy occurs amongst the employment-interest governors, it should be for the governing body to appoint a successor. This would be subject to the person selected gaining the votes of the majority of the current employment-interest governors, as well as the governing body as a whole - within limits, a self-perpetuating body. There are alternatives, such as to provide that the body which originally nominated the outgoing employment-interest governor should be responsible for nominating a successor. This would have the advantage of helping each college to maintain close links with a network of key local employment agencies, but it would mean that, whenever a change in the pattern of nominating bodies was needed, an amendment to the instrument would have to be submitted to the Secretary of State for approval; hardly ideal for such a rapidly changing sector of the economy!

LINKS WITH THE LEA

Clearly the new governing bodies will have a different relationship with the LEA by contrast with those they replace. As has already been mentioned, the requirement that the LEA shall not dominate the new governing bodies has the potential to weaken the link between the board of governors and the LEA. It is in no-one's best interest for this to happen. Ways must be found to develop an effective working relationship between the governors and the LEA at governor/member level. The most obvious way to do this would be for the authority to nominate members of its education committee or an FE sub-committee to appropriate colleges. It might also wish to consider the possibility of co-opting a representative from each of its colleges to sit on

the FE sub-committee or to attend as non-voting members. Once again we can learn from the American experience. In Florida a member of a college board of trustees will normally attend each meeting of the state board of trustees. Interestingly these meetings do not always take place in the state capital but are usually hosted by one of the colleges. It would be a good idea for the FE sub-committee of an LEA to meet in one of its colleges.

The proposed legislation does not as yet offer to colleges the opting out possibility offered to schools. One assumes this is an act of commission and not omission and a recognition by the Secretary of State of the importance of the FE sector to the economy as a whole, as well as its educational training, social and cultural contribution to the life of the nation. Of course, it may be no more than a mere oversight or the preservation of the Training Commission's ability to steer work-related non-advanced FE. Whatever the reason, few, if any, in the FE sector would wish for the colleges to be able to opt out of sensitive local authority links. Most, if not all, college managers would wish to have greater freedom to manage more effectively the resources under their control, whilst still remaining local authority colleges. To a very large measure the new legislation does that and, accordingly, has been welcomed by colleges, but these same managers who welcome the legislation have a responsibility to explain to the LEA members that they do so because they believe it will enable them to manage their resources more effectively in the achievement of an authority's strategic plans.

TRAINING OF GOVERNORS

A visit to the US annual convention of the Association of Community College Trustees (ACCT) or to any of its regional conferences (or indeed perusal of their programmes) will quickly reveal just how differently American college trustees approach their voluntary jobs. The fact that they have their own organisation, with its own permanent professional staff, makes a significant difference. They organise their own training programmes, have their own newsletter and, nationally, have become an important voice in Washington. We need the equivalent of ACCT here in the UK. Additionally, many (if not all) states plan and implement governor induction and training. Much of this activity on the other side of the Atlantic is very relevant to our needs and we have a lot to learn. Fortunately the DES is aware of this and has commissioned an appropriate research project.

REFERENCES

Relevant publications referred to in the text:

Education Reform Act, HMSO, 1988.

Education Reform Bill: Draft Guidance on FE Schemes and Articles of Government, DES, April 1988.

Education Reform Bill: Draft Guidance on the Reform of College Governing Bodies, DES, May 1988.

Jenny Shackleton

The Education Reform Act is part of a wider context of change. In particular, Shackleton picks up the facts of the National Joint Council (NJC) settlement, rather than its details, in examining professional attitudes, changed relations and management support systems critical to supporting and developing the curriculum. She makes the point that colleges are little more than organisational forms created by their key players. At the same time that the Education Reform Act addresses a range of fundamental formative issues and relationships, there are other changes in train, not least of which is the recasting of the lecturer's professional role in the recent agreement on salaries and conditions of service. As with the Act, time will tell whether expectations and intentions are realised, but central to the delivery of change will be the professional input of staff, as both lecturers and managers.

Jenny Shackleton has been Principal of Wirral Metropolitan College since 1987. Immediately before that she was a Senior Assistant Education Officer with a particular responsibility for development post-16 in Bedfordshire.

INTRODUCTION

The Education Reform Act is a large piece in the jigsaw of change, but not the only piece. The National Joint Council for lecturers in FE in England and Wales (NJC) came into being as a result of agreement between the Local Authorities Association and the lecturers' unions. In 1981 the NJC published its *Scheme of Conditions of Service*. This document, usually called 'the *Silver Book*', codified the plethora of national and local agreements and arrangements reached up to that point, and by so doing provided some consistency and firmness for local discussions and negotiations. Given the nature of the exercise leading up to its publication, the *Silver Book* was not, and could not have been, geared to the professional role of college lecturers in the late 1980s and the 1990s.

In March 1987 the Teachers' Pay and Conditions Act removed the Burnham Committee structure, and thus enabled the employers of college lecturers and the lecturers' unions to establish negotiating machinery on a collective bargaining basis. By this change the NJC was able to become a critical forum for discussion and negotiation on all issues of remuneration and conditions of service.

From 1986 to February 1988 there were protracted negotiations within the NJC, based upon the employers' proposals to link the 1987 pay award to productivity savings and greater flexibility in working practices. The period was marked by industrial action which generally fell short of strikes. In February 1988 a proposed settlement was endorsed by the lecturers. In return for staged pay increases and significant new benefits for part-time lecturers, the settlement introduced:

- new maximum class contact hours;
- a single 'lecturer' grade to replace the lecturer I and II grades;
- the ability to vary class contact hours within certain limits to accommodate unbalanced programmes and courses;

- a basic description of lecturers' duties.

The detail of these clauses is for local determination by the employers in consultation with the unions, but not for local negotiation.

THE 1987-1988 PAY AND CONDITIONS AGREEMENT FOR LECTURERS IN FURTHER EDUCATION

Irrespective of our individual roles and responsibilities during the period of industrial action which led up to the FE lecturers' settlement in February 1988, there was, for many of us in colleges, a sense of unreality about the year-long dispute. Given a strong shared commitment to our students' and our own futures, both college lecturers and managers had often, during the dispute, found themselves in highly ritualised postures. The terminology and stances of the lecturers had been comical at those times when they lent heavily on inappropriate industrial models. The term 'chalkface' did not quite match the job of the Houghton Senior Lecturer teaching technical topics to highly motivated students for all of 540 hours per annum. And no doubt college management had sounded fairly hollow too, being reluctant to engage with the underlying issues lest the result was greater disruption. Given government policy and the new legislation, it is now clear that both the dispute and its conduct has to be the last of its kind. The post-settlement world is very different from the pre-settlement one. Education and training is not in our control and will not fall into line with our traditions and preferences. If public sector FE is to have a positive role in education and training in the future, both college managers and lecturers now have a shared responsibility and an urgent need to engage in joint action which recognises and responds to these new circumstances.

Relative to many environments, FE colleges have been reasonably stable and consistent places to work in, with the result that many college lecturers have not had to be alert to external changes, whether to do with legislation, social or economic matters. On the other hand, all lecturers have maintained a fairly detailed knowledge of their pay and working conditions. Inevitably, therefore, the impact of the new legislation will, at least initially, be felt most acutely by college lecturers through the local response which local authorities and college management make to it in their interpretation and application of the pay and conditions settlement.

THE ADEQUACY OF THE SETTLEMENT

In broad terms, the dispute and resulting settlement have been about the cost, productivity and flexibility of the college lecturer. As published, the agreed changes in working practices are minor and, from an employer's perspective, can be regarded as a disappointing outcome to a bruising dispute. The primacy of class contact hours as the key measure of a lecturer's efforts continues to direct our thinking away from the nature of our services to young people and adults in the future. The flexibility provided through the new averaging agreement is slight, and represents less than already occurs by local agreement in many colleges and departments. Clearly, therefore, much of the best teaching and learning practices will continue to relate to the prevailing conditions of service in only the loosest manner.

Despite all that, the other events of 1987 and 1988 have inevitably created a resolve in colleges and local education authorities (LEAs) to use the settlement more proactively than was anticipated at the outset, in order to ensure the survival and development of the service. In 1987 it was still possible, and even easy, for many college lecturers not to know about, or to feel, the impact of curriculum trends, demographic trends, the needs of adults, the National Council for Vocational Qualifications (NCVQ), grant-related in-service training (GRIST), performance indicators, the Manpower Services Commission's (now the Training Commission) role in FE, and the impending removal of barriers within the European Economic Community (EEC).

The post-settlement world now includes all those in more concrete form and pointed up by the Education Reform Act (ERA). Therefore, the fact of the settlement, as well as its details, is bound to be used opportunistically and variably from place to place in order to cope with the new circumstances.

An essentially static set of conditions of service has now endured more than a decade of changes in student needs and demands, in curriculum and accreditation, and in relationships and resources. Therefore colleges at present contain lecturers who range from those who have long since abandoned all pretence at adherence to their conditions and are carrying unreasonable loads, to those who steadfastly live by the *Silver Book*. The majority of staff have sensibly found some form of accommodation fair both to them and to their responsibilities. It could be said that this must be true of any set of conditions attempting to cover the wide range of activities undertaken by a lecturer, and for some years the conditions were probably as good a fit as one might be likely to get. However, in the last seven or eight years this has not been so. New curricula and delivery patterns have not been well served by the prevailing conditions of service, and the resulting rigidity has exposed the service to criticism from its supporters as well as from the unsympathetic. New provision and inter-agency approaches have brought lecturers together with many others doing similar types of work on wholly different terms, and in that setting many of the former have appeared disastrously conditioned. This is not to express a concern either about lecturers' costs or efforts. It is, however, an expression of substantial and growing concern about the calculations and formulae based on current definitions of lecturers' duties, and the effect of those calculations and formulae on lecturers' relations with students and their learning.

A DECADE OF CHANGE

STUDENTS

The last decade has brought changes for colleges in respect of their students, curriculum, delivery methods and resources. The scale, range, timing and complexity of these changes have impinged upon college lecturers in very varied and uneven ways, and added to the differences which inevitably arise from the breadth and diversity of FE's role, and the range of expertise required. Since the 1970s the patterns of movement among 16- to 19-year-olds - still FE's major client group - have been subject to major changes. Certain options such as employment have dramatically declined; others have expanded. The nature of each

option has also changed. More young people than hitherto move into full-time education and training post-16, and the Youth Training Scheme (YTS) has established the credentials of work-based learning. Among the nations which have ensured substantial participation in education and training beyond the compulsory stage, much of that education and training is explicitly work based or work related. In the United Kingdom the movement towards greater participation in post-compulsory education and training, and the involvement in this of large numbers of employers and workplaces, is a recent one which is still associated by many college lecturers with youth unemployment, exploitation, and short-term crisis measures.

The piecemeal fashion in which provision for 16- to 19-year-olds, and more recently for adults, has arisen, has created confusion and ineffectiveness which has largely not been of lecturers' or colleges' making. The regulations restricting and controlling young people's and adult's entitlements have often undermined that essential sense of partnership between and among clients and providers to which the curriculum has subscribed.

CURRICULUM

The overwhelming majority of students and lecturers still expect their course or programme content and processes to be determined by the examining and validating bodies. The trend towards the validation of institutions by awarding bodies, and the greater involvement of staff in course design and in learning and assessment strategies is, however, having an important developmental effect upon college lecturers. In sponsoring the Technical and Vocational Education Initiative (TVEI) and YTS, the MSC (now TC) has itself acted as a validating body, but since it has had rather broader aims, and has normally not held for lecturers the esteem of an examining and validating body, it has needed to use resources, incentives and penalties to ensure compliance. The major changes which we are now witnessing in qualifying procedures have been inevitable since the MSC became involved in education and training and, in doing so, highlighted the damaging effect upon learning and achievement of a fragmented array of awards.

A number of curriculum principles have managed to survive the years of experimentation and short-term remedies, and have now achieved respectability. These include a core of learning for all students to address, together with understanding and skills for new technology.

The processes of:

- induction and initial assessment,
- activity-based, individual and open learning opportunities,
- negotiation of learning programmes and targets,
- planned work or community experience,
- formative assessment and reviews and
- continuing guidance and personal support

are no longer rejected outright. However, they are subscribed to more readily than they are fulfilled. There is also broad agreement that vocational qualifications should comprise statements of attainment in competence form.

ACHIEVEMENT AND PROGRESSION

College lecturers have considerable expertise in assessment but may have applied this outside their own colleges on behalf of the examining and validating bodies, rather than internally because of the nature of the assessment procedure laid down. However, the last decade has seen a shift away from external assessment and examinations towards internal processes. Continuing assessment, leading to profiles of achievement, has encouraged less reliance on traditional examination structures and a greater sharing of aims between students and lecturers. However, the scope of these practices varies widely at present, as do the techniques and procedures involved.

Since college lecturers are by and large still preoccupied with developing their expertise in formative and summative assessment, they have not yet begun in an incisive way to address the major boundary issues which are highlighted once student achievement is put to use: the currency of vocational qualifications relative to general education ones, and the interfaces between pre-16 and post-16 education, and between FE and HE and training.

In the last decade much has been spoken and written about student access and progression, but with limited effect. Provision for non-traditional students is still managed and delivered as a marginal remedial activity. Most colleges have not yet been able to provide these students with equal attention, an equal curriculum, or qualifications with high currency. Most colleges have not yet found ways of redeploying their resources to provide adequate learner support. By and large, therefore, access has come to mean exceptional entry to elements of the normal curriculum for specified disadvantaged groups. Progression through FE colleges and onwards is still not tackled in a systematic way.

A SPECTRUM OF PERCEPTIONS AND PRACTICES

As a result of a decade or more of frenetic change stimulated for many different reasons by a variety of agents, individual college lecturers now vary dramatically in their attitudes, capability and performance. Some still live in a world which assumes student confidence and motivation, common starting-points for students, regards teaching as equating to learning, thinks only of vertical progression routes, uses set time-scales for learning and courses, uses traditional delivery methods, monitors course inputs and puts the institution first.

In the same colleges, though, increasing numbers of lecturers will be acquiring the ability to:

- set achievement targets relative to assessed needs;
- accredit prior attainments;
- support individual pathways;
- apply learning and course time-scales provisionally and flexibly;

- use varied and flexible teaching and learning methods;
- provide personal support;
- monitor and review student outcomes.

To survive and be fully effective in the new circumstances, college lecturers need, consciously and collectively, to espouse and use these latter approaches.

CURRICULUM-LED INSTITUTIONAL DEVELOPMENT

Enormous amounts of time have been spent during the last decade in encouraging, coaxing, persuading and sometimes bribing colleges to change. During this time, the principles and techniques of curriculum-led institutional development have been invaluable since they take account of, and build upon, the culture of FE. To quote from early working papers:

> 'FE colleges are concerned with structured student learning. That is what they are there to provide. It is the justification for their existence. Structured student learning is that which is planned and intended, and it is expressed through the provision of a curriculum for the student. Students learn in many other random and unstructured ways, but the responsibility of the college for their learning is bounded by the provision of the curriculum.'
>
> 'If the prime purpose of the college is to facilitate student learning, then it can be argued that all activities of the college should directly or indirectly be supporting that learning, or at the very least should not be making it more difficult. The fundamental proposition is that the organisation, operational activities, and development of the college should be determined by the needs of the student learning programmes. This is our definition of curriculum-led institutional organisation and development.'
>
> 'It follows that the curriculum is as much about support systems as about learning content and pedagogy, and those support systems include not only counselling and guidance for the student, but also a comprehensive management support system. It is true to say that the whole college and all its operations are part of the curriculum. It all impacts upon the students' experiences and their learning. The belief is that the management and organisational structures of colleges are frequently not perceived in this relationship to student learning and are not defined as part of the total curriculum. Consequently they are as likely as not to work against student learning, or at least do nothing to help it. A curriculum-led approach constantly and consciously tries to keep students and their learning at the heart of things.'

THE ADOPTION OF A CURRICULUM-LED APPROACH

Equally, the expression of a curriculum-led approach through seven areas of attention has enabled colleges to adjust their collective behaviour in order to become more sensitive providers of courses and more acute listeners to students' explicit or implicit messages. The headings used for applying a curriculum-led approach to:

- policy making,
- selective resource allocation,

- managing boundary transactions,
- harnessing staff skills,
- innovative capacity and
- management systems and organisational structure

can be used to include college lecturers in audits of their collective behaviour and operations, and to achieve well-supported strategies for developing a college mission, righting historical imbalances in resourcing, structuring to encourage professional behaviour, training and support to enhance staff capability, introducing response mechanisms for change, using information for quality assurance and management, as well as for administration.

BEYOND A CURRICULUM-LED APPROACH

Curriculum-led development has a virtuous and moderate air, and wins ready support among lecturers who, as the most direct representatives of students given this approach, are also put at the 'heart of things'. However, for the circumstances we now find ourselves in, we must move forward and beyond a curriculum-led approach as currently applied. We must question the implicit assumption of a curriculum-led approach that the college lecturer and the student are one and the same, and give the student a separate identity and a greater degree of autonomy. An outright learner-led approach is now essential in order to redefine the role and function of colleges, and of college lecturers.

The market-place in which we now offer our services is increasingly competitive. Public sector colleges will be no less partisan and competitive than the private sector wherever local authorities do not or cannot exercise their powers of strategic management within the terms of the Education Reform Act, and this may well put some colleges' survival at risk. By and large the quality assurance measures of the MSC have eliminated most of the worst private training organisations. Within the remainder there may be people of considerable talent whom we would, in different times, have been pleased to employ in our colleges. Many of those who have found a career route within the private sector, or in non-college public sector education and training, have done so because at an earlier point they themselves have been prevented from advancement in FE colleges. The mystique with which we have at times justified our fee levels, our grip on certain qualifications, and particular student attendance patterns, has been seen through, and we have to be more honest and careful about the reasons we advance for a favourable place in the market. Further than that, we have to start providing new services and benefits which are based upon our primary purposes - to educate and train - but which go well beyond the current offering.

THE LECTURER-STUDENT RELATIONSHIP

Competitiveness in FE will be sharpened by both the fall in numbers among the younger students who are available for our traditional provision, and the impact of selective economic growth. Despite the normally very positive relationship between lecturers and students, the basic relationship is not an equal one. Younger students are not consistently viewed as clients requiring a service, and they in turn generally do not assert their rights to

personal choice and respect. Our colleges may still be essentially custodial, and the physical accommodation, with its classrooms, canteens and peremptory notices, may reinforce this. The battle for access for students of all needs and abilities is being won, if to some extent because of demographic trends. However, the campaign to give students equality of esteem with lecturers is only just beginning.

The reasons for such equality are to do with the rights of an educated population, the good health of corporations and communities, and the necessary conditions for positive and recurrent learning. The pressure for a more balanced relationship will be strong and irresistible, and stem from several sources. Changes in the school curriculum will, it is hoped, lead to more aware young learners who recognise that they have choices in terms of learning methods and environments, and clear rights to a wider range of services.

Alternatives to college will be attractive, and will have to be competed with on stronger grounds than future career prospects or HE. This is not to say that the relative powers of lecturers and students should be reversed, but that students should have assigned to them a responsibility for managing their own learning, and be equipped and expected to do so in both schools and colleges. Fortunately, in attempting to compensate for the loss of school-leavers, FE colleges will turn to the adult learner, and the services, environments and relationships which develop for older age-groups should attract and benefit the younger students also.

As the average age of our students increases, more will have to change besides the prevailing lecturer-student relationship and the setting within which they meet. Much FE provision lacks clarity of purpose either generally or in its elements. It can easily come to be seen as a good thing without further definition and evaluation. However, for adults, and increasingly for young people, education and training needs to be more overtly supportive and purposeful (though not necessarily serious) if it is to increase its attractiveness. To achieve this, purposes will need to be expressed at a series of levels: the institution; the course team; the individual lecturer; the course or programme; and the learning encounter. To bring this about we must dispel the notion that by making purposes explicit we are embracing training and behaviourism. Greater clarity of purpose should include the recognition that we have a national deficiency of educational attainment, as well as of training, and the resolve to address that problem in an open manner.

THE IMPACT OF NCVQ

It is evident that examining and awarding bodies have exerted, and still exert, a very powerful influence upon college lecturers' perceptions and behaviour. As a result, the number and disparateness of examining and validating bodies and qualifications has been reflected in the variety and lack of co-ordination of qualification schemes in colleges. Hierarchised and other distinctions have developed in colleges, based on external qualification factors, and types of qualifications are often still used to define boundaries between various post-16 institutions.

For this reason NCVQ seems set to have at least as large an effect upon lecturers' roles and activities as the Education Reform Act or demographic trends. NCVQ has the remit to:

- secure standards of occupational competence and ensure that vocational qualifications are based on these;
- design and implement a new national framework for vocational qualifications;
- approve bodies making accredited awards;
- obtain comprehensive coverage of all occupational sectors;
- secure arrangements for quality assurance;
- set up effective liaison with bodies awarding vocational qualifications;
- establish a national database for vocational qualifications;
- undertake, or arrange to be undertaken, research and development to discharge these functions;
- promote vocational education, training and qualifications.

Its framework, comprising outcomes in competence form, units, aggregate qualifications and levels, should introduce some welcome order into the current proliferation of awards. However, by not setting minima and maxima to the number of units which make up a qualification, or to each unit's specificity, NCVQ may exacerbate the problems for colleges attempting to introduce a large number of the new or revised qualifications quickly. Greater consistency in both units and qualifications would assist lecturers with the design, preparation and sharing of learning materials and environments, with assessment, and with the acceptance of units and qualifications for purposes of progression. Credit transfer is an unknown and unpractised concept for many lecturers who have generally been encouraged to emphasise the distinctions between awards.

Faced with the general need to raise the nation's educational base, and the specific requirement by both TVEI and the national curriculum 5-16 to provide a core of learning, it is now essential to specify a series of achievement levels in core areas such as language, mathematics, science and technology, which can support progressive and flexible vocational education and training post-16. These levels or grades would contribute another element of consistency to the new vocational qualifications; could support the guidance and counselling needed to underpin a credit transfer system; and also provide a foundation for higher levels of vocational attainment. However, to help lecturers to adjust their perceptions and activity in a really radical way, NCVQ will also need to help break down the major barriers mentioned above: the distinctions between vocational and general education qualifications, and between vocational and professional qualifications and university degrees.

Whatever it has not yet managed to address, NCVQ is nonetheless beginning to have an impact upon colleges, setting direct challenges for lecturers at the centre of their professional identity. The National Record of Vocational Achievement has just been launched, bringing with it a new type of student

expectation. The first significant wave of competence-based qualification schemes is now with us in the colleges.

FIVE YEARS ON?

At the present time, FE tends to be under-managed and fragmented locally, and there is a danger of it becoming more so. Concurrently, though, the service is being shaped in new ways at a national level. Alongside the less protected operating conditions for individual colleges, a stronger national framework for strategic planning for the post-16 age range is emerging through NCVQ, WRNAFE and TVEI, and the provisions of ERA such as unit-based resourcing. Taken together, these devices touch all aspects of a college: its curriculum, delivery, organisation, resourcing and relationships. It will be essential that they are seen as a whole, and do not, in effect, cut across each other either locally or nationally. Given the pace and scale of the anticipated changes, college lecturers will be vulnerable to the effects of poor college or local management, and they need urgently to develop their means of influencing decision making.

If we assume that the changes, trends and requirements which are now evident remain and take effect, then FE colleges may in five years' time have the following characteristics:

- The students' average age will be higher due to the reduction in the number of 16- to 19-year-olds, the increase in the number of young adults, and a greater participation rate among adults of all ages. Their fees and other costs will come from a wider variety of sources, some of which the students will have needed to tap on their own behalfs, with extensive assistance from colleges. Other funding sources will liaise directly with the colleges.

- The students will regard colleges as learning centres in a broader sense, offering a variety of direct and indirect learning and qualification services. These will include information and advice; initial assessment; accreditation of prior learning; group and individual learning opportunities; assessments of achievement on demand; work learning placements; final assessments; and assistance with transfer and progression.

- College environments will be trying to look more like other centres offering community or commercial services, with information and advice points, meeting and relaxation areas. Classrooms and workshops for group learning will take up rather less of the total available space than they do now, but supported study areas will be much in evidence for overall learning purposes, and particularly for the core curriculum.

- More of the college's resources will be going towards its activity and image in its locality. Industry and commerce and the open community will have access to such college facilities as assessment centres, consultancies, exhibition space and publishing units as part of this. A wider range of staff will be employed, therefore, and the college will be open for the equivalent hours of a leisure or community centre.

- A much-expanded admissions service will exploit every opportunity to recruit, offering a continuous information, assessment and advice service, and monitoring students until well into their programmes. Family classes, Saturday and Sunday

opening, and summer schools will be regarded as normal and essential features of a life-long learning facility.

- Back-up services for students and the community will include careers education and work placement facilities, information about job vacancies, and support for employment and self-employment projects.

Where will the college lecturers be in this? Perhaps they will maintain existing practices and conditions, be distinct and valued for the job done, but also less dominant within FE colleges. In this event the more autonomous student will spend more time with non-teaching staff trained in learner support techniques. Alternatively, lecturers may find ways of broadening their roles and modifying their conditions of service to take on, at a reasonable cost, a number of those support roles for which so many are ideally equipped through their insight, training and experience. Any such broadening and modification need not imply any deterioration in conditions, remuneration, effectiveness or respect. However, it does require acceptance of wholly new approaches, and also of the open, honest feedback from students, colleagues and others which is the hallmark of healthy, purposeful organisations.

To move from curriculum-led approaches to learner-led or student-led ones will require an enormous shift in the thinking and behaviour of many college lecturers, and of most colleges as a whole, including their managers. There are many good reasons as well as irrational ones to be cautious about separating learning and students from teaching and lecturers. Nonetheless, it is time that we now move on from affording students access to learning to the stage where we help to empower students and the public as a whole as responsible achievers. Such a mission could harness the considerable talents and potential of college lecturers, who are otherwise in danger of losing their confidence and creative energy in the face of accelerating change and discontinuity.

Responsible student empowerment is still some way ahead, and will need careful evolution. For the present, while most college lecturers realise and accept that changes will occur, few have yet had the chance to grasp their significance in terms of freeing learning and personal achievement from lecturers and the act of teaching. Yet this is central to the future activities of colleges and their lecturers, and urgently calls for a shift in professional thinking and identity.

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Curriculum-led Institutional Development, A working paper by the FE Staff College and NICEC for FEU, January 1984.

Beryl Pratley

Beryl Pratley uses the FEU's model of the processes of curriculum development to track likely shifts in control following the Act. Pratley uses this framework to examine the particular curriculum planning problems of a college in a 'dispersed' system, where the linkages between marketing and planning are especially critical.

She picks up the relationship between resources, evaluation and review and the renewed impact of resource allocation in the curriculum process model. Consequently she examines the possibility of up-front rather than retrospective resources to provide for curriculum design, implementation and evaluation.

Beryl Pratley has been Principal of Abingdon College of Further Education, Oxfordshire, since 1986. Her long interest in curriculum design and control has survived years of teaching general studies, in teacher training, and a spell with the FEU where she helped to construct the curriculum model on which this contribution is based.

INTRODUCTION

Delivery vehicles were the domain of the road haulage industry until education became more outward looking and adopted the language as well as the practices of industry and commerce. 'Curriculum vehicle', 'modes of delivery' and similar phrases lead one to ponder on the characteristics of the drivers. They are a mixed crew, and their licensing arrangements are varied. To the assembled ranks of teachers, lecturers, examining and validating bodies, educational publishers, the Manpower Services Commission (more recently called the Training Commission), and other curriculum developers, we increasingly have to add both central and local government.

The purpose of this paper is to examine the extent to which the control of the FE curriculum is likely to shift as a result of the Education Reform Act, and whether the curriculum itself is likely to alter as a result. It is worth noting that the author of this section is writing from a smallish (Group 5) college in a small town (population 30,000) with a rural catchment area, in an LEA which has had a largely *laissez-faire* approach, until the work-related non-advanced FE (WRNAFE) planning exercise began. Now we have an FE plan which extends beyond the purely work-related, and the LEA may have difficulty in drawing back from this total and detailed view to the broad framework required by the Act. The robust nature of the current discussions about LEA versus governing body control has tended to colour this contribution!

There is very little specific mention of the further education curriculum in the Act, and certainly nothing to parallel the arrangements being enacted to determine the school curriculum. This may be the result of the traditional ignorance among policy-makers about what goes on in FE, or they may have assumed that, since the NAFE system is slipping safely into the hands of the Training Commission, its curriculum will inevitably be work-based and can therefore be left alone. Less cynically, one must accept that there is no single FE curriculum and the influences at work are many and varied. They will be referred to later in the paragraphs on curriculum design.

The FEU has used an established model of the processes of curriculum development, of which a version forms figure 1. I should like to use the features of this model to guide the theme of this paper. One can begin anywhere in a circular model. Let us look first at the aims of the FE curriculum, expressed in the values and needs of those who deliver it and those who receive it.

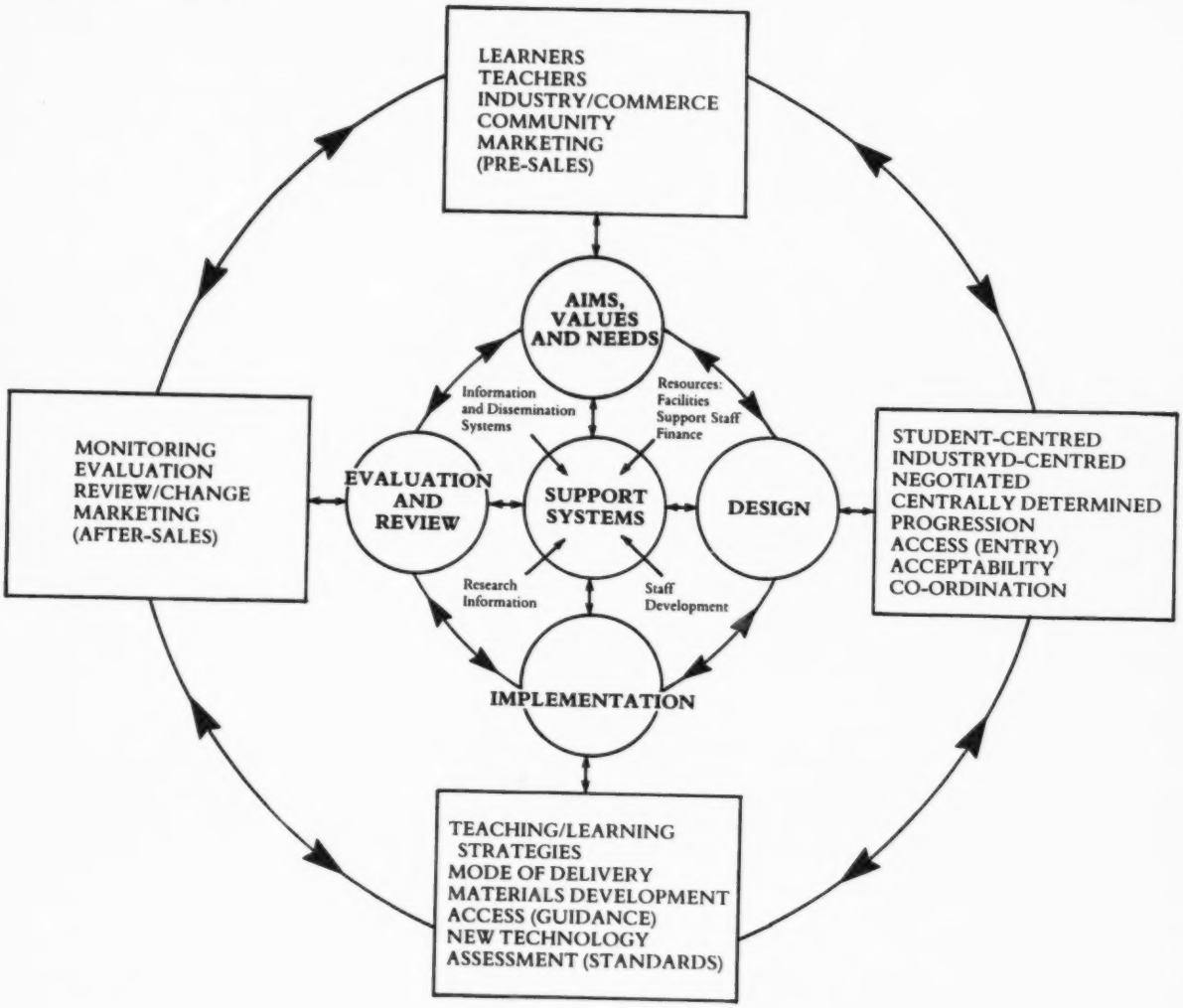
AIMS, NEEDS AND VALUES

Every local education authority (LEA) will produce (if it hasn't already) a planning framework for all its further education provision, including its scheme of financial delegation, in accordance with the requirement of the Act that they should 'secure the provision for their area of adequate facilities for further education' (section 120), and 'it shall be the duty of every local education authority to prepare a scheme ... (to determine the share) to be appropriated for that institution... of the further education and higher education budget of the authority for that year' (Section 139 (2a)). The former is not so very different from the arrangements in the 1944 Act, which were largely neglected, but since the impact of Training Commission (TC) funding has already been to sharpen up college and LEA planning processes, we must hope that the requirement will be taken seriously.

What an LEA chooses to provide will be determined by its political character, by the strength of its industry, by its values as a provider of equal opportunities or its past record in education, by the amount of money it is prepared to put into its schools and colleges, and by its geographical character. Coming from the colleges will be plans based on many of the same determinants. LEAs with dispersed provision in rural areas are faced with planning dilemmas different from those of their inner city counterparts. If student needs are to be properly addressed, every college has to be a comprehensive college, and this can be expensive and 'inefficient' in many cases. On the other hand, rationalisation has its own impact in the increasing cost of student (and staff) travel, as well as the loss of opportunity. 'Having regard to other provision', post-school will mean very different things in LEA planning terms, depending on the degree of dispersal of its institutions.

LEA schemes will be drawn up at a high level of generality, in curriculum terms, with only indications of student numbers (tied to financial arrangements), broad work areas (e.g. business, construction), and possibly levels of work. These arrangements can be relatively stable. More volatile are the course planning arrangements, where there is a close relationship between the models of curriculum development and marketing and where the decision making will be firmly in the hands of colleges and their governing bodies.

Marketing is also about assessing the needs of customers and has regard to institutional values ('What business are we in?'). Market research is in the hands of both the LEA and the colleges, and some are currently working more closely than others. The course plan will be drawn up at college level, related to the overall LEA scheme but reflecting in detail both student demand and college priorities.



INNER CIRCLE AND HUB-
The curriculum development cycle

OUTER CIRCLE-
Features of each stage in the cycle

Figure 1: Process of Curriculum Development (Source: FEU[1])

At this level, individual student needs can and should be accommodated. It is unlikely, therefore, that the legislation will make a great deal of difference to what is offered at the *course* level in each college, except where LEAs are forced by financial circumstances to shift areas of work around, probably by funding major new developments or axing old ones. Course provision is more likely to be affected by local market forces, and the results of course evaluation, which I shall come to later. Briefly, for now, let me indicate the curriculum planning equation which links curriculum development and marketing:

Course evaluation + Market research
= Redesigned courses + New market areas

This is the process which will lead to proposals for new courses and, in a dispersed area, market intelligence will inevitably be better at college level. It is vital that the prevailing bureaucracy of college governance allows a sufficiently fast response time, and that the traditions of consultation through a series of committees are kept under review in the light of the need to be responsive in the market-place.

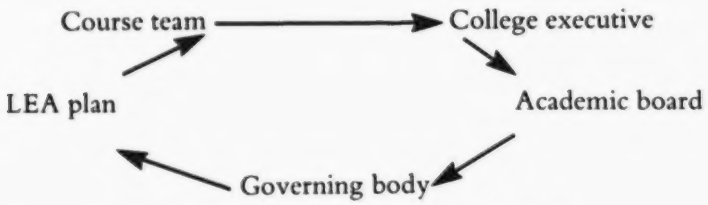


Figure 2: The Planning and Course Approvals Cycle

The planning and course approvals cycle shown in figure 2 will inevitably have a long time-scale. The smaller the college, the less 'slack' there will be in the system to accommodate fast response provision.

DESIGN

Curriculum design is a multi-level activity. It happens at a national level, with the validating bodies setting curriculum frameworks; it happens at classroom level; and there are other design processes between these two extremes. On the whole, curriculum design is a college activity, probably engaged in by groups of staff working in teams, set against the requirements of national bodies.

As in the schools sector, curriculum design is also determined by assessment requirements and, if the National Council for Vocational Qualifications (NCVQ) has its way, there will be considerable shifts in curriculum design to deliver training based on competences, mainly assessed in the workplace. It is arguable that this approach will seriously undermine the work done in colleges, especially on full-time courses. It belies the difficulties experienced in other parts of the system in getting employers, especially small employers, actively involved in training. The implied curriculum which leads to National Vocational Qualifications (NVQs) is in sharp contrast to DES supported initiatives like the Certificate for Pre-Vocational Education (CPVE) which places much stress on the role of a core curriculum in the development of the whole individual. Just when the education versus training debate was beginning to fade, NCVQ is likely to revive it.

NCVQ is only one current influence on the FE curriculum and it is clear that, since the FE response is so varied, there can be no legislative basis for it, as is intended for the schools. What was beginning to emerge, thanks to the FEU whose curriculum core has been picked up in the Certificate of Pre-Vocational Education (CPVE), the Youth Training Scheme (YTS), and Business and Technician Education Council (BTEC) awards at both first and national levels, was a consensus that employable young people would share certain insights, experiences and knowledge about the world.

It would appear to be widely accepted by both employers and educationists that the whole person is more than the sum of the individually accredited parts.

This is a lesson which the NCVQ appears not so far to have acknowledged, and its current approach to accreditation through task analysis may lead it to lose sight of the lessons about holistic training which have been hard learned in the FE system.

This debate will be worked through on the sidelines of the legislative process, since for the moment the NCVQ is not to have any backing from statutes. As far as the new Act is concerned, the most potent influence is likely to be resource allocation.

Most colleges currently get their resources related in one form or another to student numbers. The new schemes of delegation will require that the process of allocating resources is specified, and there is likely to be a stated relationship with the LEA framework in the provision of funding for student numbers by programme area. While there is not necessarily a mechanistic relationship between resource and course provision, more sophisticated internal budgeting will be needed in many places if either colleges or LEAs are to preserve managerial flexibility. There will be some interesting clashes of value systems.

Curriculum design considerations will be a feature of resource allocation systems in many cases, certainly at the whole-college level. The main design consideration will inevitably be to make a link between quality and the level of resource and, at a college level, to give priority to certain curriculum areas by according higher weightings in the allocation of resources. Special needs courses will only be preserved with a beneficial weighting, as will other courses with small numbers which an LEA wishes to preserve, for instance in rural areas. Some LEAs are already building in the 'rurality' factor for curriculum preservation, while others will decide to use the resource level to ease out certain areas of work altogether from their colleges.

The change in resource allocation may prompt more collaboration both within and between institutions, if only as a way of preserving the curriculum offer against a falling resource base.

Other areas where the preservation or protection of the resource base will undoubtedly lead to continued curriculum innovation will be income-producing work, probably in the form of custom-built courses for specific customers, and grant-related work, responsive to government initiatives.

IMPLEMENTATION

The curriculum implementation stage is possibly the one least affected by legislative change, except in one respect. At colleges and classroom level, the implementation of curriculum ideas is often supported by LEA advisory services and other learning resources and support systems. Some schemes of delegation will demand that these services are paid for directly by their clients, and it will be interesting to see how many of them will survive if they have to be bought in.

Where will the decision to 'buy in' advisory services be made? Colleges which move to a cost-centre approach, with expenditure control devolved to course manager level (which may be quite junior staff), will inevitably have to make more financial information available to more staff. Will the classroom teacher be prepared to set aside funds to purchase LEA advisory services? Some interesting reactions are produced by the greater availability of financial information, not least the increase in demands from ordinary teachers for funds to do the job properly. On the other hand, a new role may be created for LEA advisers in the management of initiatives funded by LEAs through their development funds, and we have heard from the DES some ideas of how the inspection role of local advisers will develop.

Looking forward to the next section, the link between evaluation and implementation is certainly to go on improving the quality of delivery of the curriculum.

EVALUATION AND REVIEW

Although a critical path of the development cycle, evaluation has often been the stage which was almost guiltily included and frequently forgotten. Now it takes centre stage.

The process of keeping the curriculum under review has gradually become the responsibility of the college itself. Whereas monitoring and evaluation have in the past often been activities external to the course, or the institution, done by inspectors, advisers, moderators, MSC officials, etc., with the development of new styles of course delivery there is greater pressure on teachers to evaluate their own activities, including students in the process where possible.

Even in YTS, one of the most 'inspected' activities in education in the last five years, the Training Commission (TC) has now given approved training organisations a brief to review and evaluate their own activities against a set of clear criteria.[2] The notion of an approved training organisation as a licence to practise was a relatively alien one to many people working in this area of FE. Others were working already with the submissions - approvals - moderation system used by BTEC and some professional bodies.

From now on, evaluation in FE will be closely tied to the continuation of resources. Target numbers, measures of effectiveness and the adjustment of target numbers in the light of a college's success will tighten the circle. The WRNAFE planning process has already brought systematic reviews and student follow-up into play. It is expected that courses will be revised, and discontinued if necessary, in the light of review and follow-up activity, and market research. Such quality-control measures are expensive, as any production or service manager in industry will tell us. But we can no longer afford not to monitor and

evaluate either product (course) quality or customer (student) satisfaction. Resources will be withdrawn from unsatisfactory courses, and we shall not be able to afford to continue to run inefficient areas.

To assist in the process of planning future courses, expenditure plans, staff development programmes, and so on, a college will, as a minimum, need to establish an annual student course-reporting system to gather customer views on course delivery; an in-depth internal audit of a sample of courses every year; as comprehensive a follow-up survey of student destinations as can be afforded; a follow-up of all students who drop out; and a college-wide internal course review system as part of the Academic Board's activities. All this activity will be a legitimate charge on the college's marketing budget; it needs also to be recognised that it will entail considerable expense in teaching and administrative staff time. The costs of such a review will need to be justified in increased quality; the hidden costs may also include staff casualties as a result of the loss of autonomy in the classroom, and the greater weight given to an external view of performance. Reading the MSC's *Effective Programme Review* guide, one occasionally forgets that amidst all this high-powered review activity, young people are actually being trained! We need to keep sight of the teaching job which is central to all the planning, designing and evaluating.

THE DRIVERS ARE CHANGING; WILL THE MAP FOLLOW?

Will the curriculum map change as a result of the new legislation? As a direct effect, in FE, it probably will not, especially in the way that change is envisaged in the school curriculum. The FE curriculum is the result of response to demand which constantly varies, and it is not the demand of legislative change but of the customers. One assumes that the national curriculum for schools is intended to provide some guarantees against maverick curriculum initiators in the schools, if there are any. Since colleges have always been accountable to governors, employers, advisory committees, and the paying customer, it has not been possible for FE managers to make curriculum changes which run counter to public demand.

As an indirect effect of the legislation, however, changes will be progressive. The financial delegation schemes laid down in the legislation are the direct successor of the Joint Efficiency Study [3] with its proposed targets of performance indicators and unit costs. Some key curriculum policy decisions will now be made against a background of tighter resource control.

Will LEAs be able, within the broad planning processes available to them, to guarantee curriculum coherence and progression for individuals? What will their real influence be against a background of market forces? How effective can post-school education planning be if the influence of the FE planners does not extend to school sixth forms? What will be the effectiveness of overall planning post-16 if schools with sixth forms manage to opt out of local authority control?

Can colleges which are working to tighter unit cost limits be prevented from axing socially and educationally desirable provision which is expensive? The implication of this possibility would be for an LEA to plan down to specific course level and

give specific funding for the type of provision which it wishes to preserve; but the government has rightly said that it wishes to avoid course-level planning.

How much effort will be directed into income-producing activities to support other financial arrangements? Colleges were encouraged by the 1985 Education Act to engage in commercial activities; college limited companies are becoming more common; staff are having to accustom themselves to serving several financers. Will sensible overall curriculum planning be under attack from short-term income-bearing courses? Or is FE now such a vigorous market-place that the earning power of courses is their own rationale, with the notion of 'sensible' overall curriculum planning a contradiction in terms?

Fortunately, the time-scale is such that the effects of the legislation can only be speculated upon. What is clear is that resource allocation has now intruded upon the curriculum process model, so I will finish with a further version of the model.

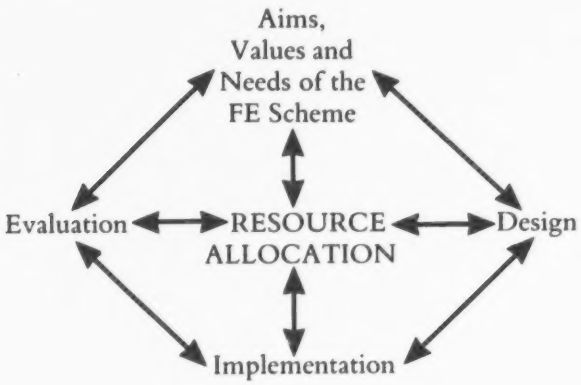


Figure 3.

To look on the bright side, we may break the tradition whereby resources in FE follow successful curriculum implementation, and create a system whereby resources are provided to ensure effective curriculum design, implementation and evaluation. By such means, we may finally and effectively achieve our educational aims.

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Bob Kedney and David Parkes

Bob Kedney has been Principal of St Helens College since 1986. Formerly Senior Assistant Director of FE in Liverpool, he has held similar senior posts in the Wirral and Bolton. He has been a representative on a range of national committees, including Burnham and the Joint Efficiency Study. He is an Associate of the Further Education Staff College (FESC).

David Parkes is currently Director of the Responsive College Programme based at FESC. He has been a consultant in education management and government in the UK, in Europe and in America, and is about to begin an attachment to the European Institute of Education and Social Policy in Paris.

The Act is in place and will be moved forward by circulars and regulations. The key words deployed in the documentation and by the contributors to this volume will run and run. Familiar to us all are, and will be, such words and phrases as:

delegation
framework
formulae
institutional budget share
planning
scheme
search committee
strategic
training for governors
weightings

As a change agent, the Education Reform Act does not exist in isolation; contributors touch upon the Local Government Act (1988), the recent settlement on pay and conditions for lecturers, demographic change, the implications of the DES and local authorities joint publication, *Managing Colleges Efficiently*[1]. Nor is the Act peculiar or unique to the British. It follows a European and worldwide pattern. Three years ago, Dutch colleagues wrote of their own country:

> 'Decentralisation arises in the creation of autonomous training and education institutions conducting their own educational policy - decentralisation in this way is often accompanied by deregulation, i.e. efforts to enlarge the competencies of governing bodies and institutional management'.[2]

The Act appears in a climate changed for the better for FE. From a central government perspective, *Training for Jobs*[3] in 1984 painted a grey picture of and for FE. Other than by the local authorities as illustrated in *Responsibility and Responsiveness*[4], colleges were not seen as being flexible and dynamic. But responsiveness can also be seen as a state of political mind influenced by the lack, or advent, of information. In 1984/5 neither central government nor the local authorities had a great deal of knowledge about what was happening on the ground, whether of staff development activities, new courses developed and running, or the amount of change in course portfolios. Morris points up this lack of information in his contribution.

The change of climate in 1988 is evident in the piece from Libby and Hull. The DES might now be seen to identify FE as a success story. Colleges have a different image. Progression shall be onwards and upwards.

In 1984 colleges were not seen as responsive; in 1988 they are seen to be much more so. This may have something to do with imagery and/or presentation. Subsequently, the impact of the development plan and annual programme for work-related non-advanced further education (WRNAFE) in each LEA's area are flagged up positively by Morris and Libby and Hull. Under the Act the LEAs are to retain and expand a planning framework together with monitoring functions and overall accountability within a philosophy of delegation. Libby and Hull are very positive about this and other local authority contributions.

The implementation of the Act occurs in a period of developed and developing systems of quality control and market research and the evolution of integrated marketing management information systems. It is possible to point at concrete development and actual achievement, both crucial as the debate moves from the legislature of central government to implementation in college and town or county hall.

HISTORY: INTENTION AND ACTUALITY

Each of the contributors has attempted, in terms of his or her own agenda, to interpret both the intentions of the Act and aspects of its likely implementation.

The debate on and over the Act presents an apparent turmoil and turbulence associated with change which is notionally revolutionary. It is important to remember that as long ago as 1963, the *Robbins Report*[5], although primarily concerned with higher education, recommended that detailed control of finances should go to FE college governors. Bevan's analysis of 'assisted status' and 'incorporation' has a setting which is already 25 years old in intention.

That the maintained colleges are still to be legally and administratively part of a local rather than a national system causes one to reflect that *Robbins*[5] and *Weaver*[6] themselves represented a movement away from local government control. In terms of the discussion between Morris and Libby and Hull one should remember that the late 1960s and early 1970s already had the ends uniting against the middle as far as relations among central government, local authorities and the colleges were concerned.

Some may recall from that period *Circular 2/67* [7], 8/67 [8], *Education (No 2 Act) 1968* [9], *Circular 22/68* [10] and perhaps most familiar of all, *Circular 7/70* [11]. These represented the full flood of intended change in college government at the end of the 1960s and the beginning of the 1970s. The LEA was to be responsible for the general character of FE in its area; the governors were to be responsible for the general direction of the specific college and the principal was responsible for the internal organisation management and discipline of the college. The Academic Board advised on planning and co-ordination together with responsibility for development and oversight of academic work and the admission of students.

These categories remain generally the same with the additions that, for the LEA, there is to be a 'scheme'; for the governors, there is to be major financial delegation with virement; and the principal is to have additional responsibility for financial control. The academic board position is left similar in wording but prospectively diminished in fact by the potential new role of the governing body. Although college governors have always been ultimately responsible for academic matters, they have not chosen to invade the academic board or departmental territory. The new structural situation is designed to maximise the possibilities of implementing their constitutional powers.

In its review of the outcomes of previous legislation, the Good Management Practice Group set up by the National Advisory Body found that:

> 'Good management of polytechnics and colleges is inhibited by the excessive engagement in their affairs of local authorities exploiting their role as the formal employer of staff and the overseer of budgetry and purchasing matters.'[12]

The group went on to argue that it was not the wording of the articles that was significant but the way in which they were interpreted. Flexibility had become ambiguity and local interpretations restrictive across a range of critical issues which are now to be addressed by schemes for funding and delegation.

In terms of the prospective gap between the intentions of the enabling legislation and its outcomes, it is quite salutory to look back at the implementation of similar measures in the period between 1970 and 1980. First, one should not expect too much from good intentions or structural reform for they can have unexpected outcomes. It might be fair to say that the organisational and attitudinal outcomes released by the *Weaver Report*[6] occasionally surprised its originator, as he indicated to Parkes when they worked together on an Open University text on college government[13].

Much can turn on local interpretation of individual words and phrases in official documents. Considerable effort has been put into the drafting of notes of guidance and circulars but, nevertheless, 101 interpretations are already emerging as to the meaning and purpose of particular words. There is likely again to be a danger in excessive analysis.

Time-scales can be longer (or shorter) than expected. It is intended that articles, instruments and schemes should be submitted for the start of the next academic year. A similar lead time was envisaged after *Circular* 7/70[11]. The last documents were still being approved in 1976 and 1977. This time we have had a decade or two of experience, one third fewer colleges, and the prospect of more civil servants to implement the Act.

Unlike the 1970s, we are no longer in a position where everything changes in order for the situation to remain the same. Very real differences in culture will exist, of which the Act is only one manifestation. There is also a major difference between the 1970s and the latter 1980s in that during the acceptance of post 7/70 articles both the criteria and the government changed. This parliament has a number of years to run with a large majority and, in any event, there seems remarkably little dispute

between the major parties with regard to the government of the maintained FE sector.

Some blockages can be predicted. Last time round, one issue which proved significant in the approval of articles was the reluctance of some local authorities to give up aspects of financial control. Given the radical nature of current changes, other issues can be expected to emerge, for example governors, free to appoint and remove staff and to exercise almost total virement, could find the level of detail set for programme planning and funding formula points of conflict. There is an irony that, in their relations with colleges, local authorities may now face the same blockages of which they accuse central government; that is in terms of thwarting autonomy and passing down substantial administrative and bureaucratic tasks without the necessary funding provision.

However and whatever the organisational blockages, the will for change is a strong one and, as above, it exists in a context which is global. *Circular 7/70*[11] itself was also a manifestation of worldwide initiatives that stemmed from Paris, May 1968.

This time the 'client' perspective is as 'customer' rather than as 'shared decision-maker'. Much will depend on the dissemination process and the monitoring role of the DES over the next year or so.

WHO DECIDES WHAT?

The common theme for each of the contributors is the redistribution of power and authority. Who decides what, particularly at the level of the institution? What decisions are to be taken? By whom? In what way? Here the framework put forward by *Weaver*[14] is useful. He examines the term 'policy' in three stages: formulation, determination and implementation. 'Formulation' is concerned with those locations in which the options for policy decisions are formulated and presented. 'Determination' is the location in which a particular policy priority is decided. 'Implementation' is the executive or managerial process.

One continually has to ask for the location of these three critical areas. In themselves they represent distinctions between the legislative and the executive or governmental and managerial framework. Past practice has varied from the predominance of governmental patterns with emphasis given to the governing body and the academic board, towards managerial models based primarily on the principal and heads of departments and indeed local authority officers.

With the formal delegation of financial and personnel powers to colleges, it is likely that the latter style (modified in terms of the new key players) will predominate. Certainly the 'executive' style is increasingly emphasised in key posts for higher education. In the historical models, government of a college has lain not with the governors but rather more with the academic board and the management team. *De facto*, that is where academic policy has been determined. The governing body has been marginalised as more akin to the law lords than to select committees, a sort of fire brigade called in only when something is going badly wrong.

A major question is whether this will change in the face of the Act and the emergence of new house styles which are in the course of being embedded.

From different perspectives, the contributions of Bevan, McAllister and Pratley all point to the impact of new locations of policy determination. The specific structural changes in the relationships between the local authority and the colleges and internally within the colleges leave still other key players in place. Libby and Hull and Morris identify a whole range of influencing national bodies. Shackleton examines the impact of new conditions of service. Pratley and McAllister take a hard look at the validating bodies, and in particular the National Council for Vocational Qualifications (NCVQ). The DES itself is currently centre stage in terms of the approval of schemes of delegation and of articles and instruments of government.

The Training Commission may be expected to retain a high profile even given, in real terms, its somewhat limited powers and funds.

At the local authority level the draft circulars offer a range of options for the purchase of services by governing bodies. The client-centred, market-orientated forces released by compulsory competitive tendering may be influential in building up pressures for change either over time or somewhat more rapidly with the adoption of corporate status. Legislation sets the college and its governors as the key players, although history and tradition may slow down their advance for some.

In the past, external influences upon colleges and authorities have seemed less part of a coherent system and rather more sentinels around which the institutional bodies organise themselves. In many ways the examining and validating bodies have been the forces that have pulled together a system otherwise uncoordinated, except retrospectively. In different ways, both Morris and Pratley point out the prospective difficulty of several hundred separated and independent institutions reinterpreting policy at every level and location. It is a familiar and forbidding problem to set alongside the energy released and bureaucracy avoided by delegation.

The draft circular identifies the college as the engine house in that 'colleges should have maximum flexibility with student number allocations being treated as no more than indicative'. These numbers would, however, have been generated by college planning in the first place. In the parallel draft circular for schools[15] it is stated clearly that:

> 'Schemes should not include conditions or requirements which cut across the discretion of duties of governors.' (paragraph 77)

Amongst all these demands and expectations arises the question, 'Who are to be the brokers?'.

Clearly now, as in the past, the local authority will have a role both with the colleges through the annual budget cycle, and corporately with central government through the rate support grant settlement. Perhaps moving centre stage will be the student enrolment mechanisms more familiar to colleagues in HE and in the United States.

The pace of development is now an unknown factor, for while the draft circular identifies submission dates, the monitoring, approval and implementation phases have to follow. The trigger may indeed now lie in the combination of newly constituted governing bodies and their new powers. Institutions and the local authorities will vary in terms of experience, relationships and motivation.

For some, the processes of exploring levels of policy formulation, determination and implementation are already well developed. For others, the issues are barely recognised now and may not be for some time to come.

INSIDE COLLEGES

Within maintained colleges the academic board has rarely had the profile it developed in some HE institutions. Within the latter group the debate points to radical changes and a separation of collegiality from executive functions. The traditional committee separation of industrialists, trade unionists and representatives of community groups on Governing Bodies from academic staff has often limited the value of academic boards. There may be scope for a closer integration.

The requirements of the Act will place squarely on the college a new range of managerial responsibilities so that, as Bevan indicates, it will not be possible to pass the buck to 'them' in town or county hall. The managerial and administrative roles of the head of department may grow rather than decline.

Traditionally, in FE, the governmental process has been associated with the governing body and academic board, the managerial process has been associated with the principal and the administrative process related to the role of the chief administrative officer. With delegation of financial power it is likely that the role of the administrative officer will be aggrandised or replaced by a vice-principal.

The patterns of brokerage have yet to be identified in terms of curriculum change and delivery together with quality control and quality assurance. Officers and chairs capable of spanning boundaries will offer key influences. The HMIs are uniquely placed to contribute in this way and there may be a new breed of inspectors where college funding mechanisms are prepared to pay for consultancy services.

WHO DRIVES THE CURRICULUM?

The Act changes locations of decision-making and reinforces emphases on managerial effectiveness and efficiency at institutional level. Although (as Pratley says) it doesn't have much to say directly on the FE curriculum, we need to be reminded of Shackleton's reference to CLID (Curriculum - Led Institutional Development) papers (FEU 1984).

> 'It follows that the curriculum is as much about support systems as about learning content and pedagogy, those support systems include not only counselling and guidance for the student, but also a comprehensive management support system. It is true to say that the whole college and all its operations are part of the curriculum. It all impacts upon the students' experiences and their learning. The belief is that the management and organisational structures of colleges are frequently not perceived in this relationship to student learning and are not defined as part of the total curriculum.

> Consequently they are as likely as not to work against student learning, or at least do nothing to help it. A curriculum-led approach constantly and consciously tries to keep students and their learning at the heart of things'.

Pratley raises the important relationship between curricular priorities and resourcing. She also raises the difficult question of 'What is the FE Curriculum?' The responsibility of the Local Education Authority with its colleges to guarantee curriculum coherence and progression is a critical issue. With a potential population for FE colleges from school-leaving age to post retirement, the range of offerings will be prodigious. Consequently, it is difficult to identify that FE colleges either do share or should have a common curriculum portfolio. The FE curriculum is more difficult to pin down than that of the schools or HE. Local flexibility or responsiveness is seen as a strength.

Process is as important as content. Shackleton reminds us through CLID that FE colleges are concerned with structured student learning. 'That is what they are there to provide.'

A sensible question might be: 'How would the colleges manage a mixed economy of publicly subsidised courses, those part funded by grants and full-cost fee-earning courses?'. Accountancy practices could continue to be powerful influences, but one solution recognised in the draft circulars is to produce full balance sheets.

Colleges generate income to cover all their costs because of the necessity for books balanced on an annual basis. Until the Act there has often been no marginal carry forward of funds. The post-Act curriculum portfolio will reflect resourcing directly from the tax and rate payer, the student, the employer or the Training Commission.

This leads to Pratley's question whether 'colleges can be prevented from axing socially and educationally desirable provision which is expensive?' If, as above, the problem is financial, then the answer lies in the weightings used in the funding formulae and adequate and identified resources. Another answer lies with Bevan's call for clear statements of college mission (in the context of strategic planning and adequate resourcing by the institutions and from the LEA). As Shackleton points out, greater clarity of purpose should include the recognition that we have a national deficiency of educational attainment as well as training.

Nevertheless, inappropriate facilities, lack of recruitment and inadequate specialist staffing will continue to create problems and choices will become increasingly forced. Only a few colleges will be guaranteed a regular supply of students year in year out without effort. The forces of competition will not only lie among FE institutions within a single authority but also with schools, the private sector and colleges in neighbouring LEAs.

We are led back into the relationships and the balance of forces among central government, local government and the institutions. National agencies such as the curriculum and validating bodies should ideally provide coherence and comprehensibility from a national perspective. LEA responsibilities for strategic planning ideally make them

predominantly responsible for the values of a local FE system which is more than the sum of the institutional parts. Local co-ordination may matter in a system otherwise to be driven by the capacities of responsive colleges to relate to immediate client demand.

It is worth re-reading the characteristics put forward by Shackleton, at the end of her piece, to represent FE colleges - five years on, with the expectation that 'to move from curriculum-led approaches to learner-led or student-led ones will require an enormous shift in the thinking and behaviour of many college lecturers, and of most colleges as a whole, including their managers'.

Equally, for the Act to work for the curriculum, we need to look on Pratley's bright side:

> 'We may break the tradition whereby resources in FE follow successful curriculum implementation, and create a system whereby resources are provided to ensure effective curriculum design, implementation, and evaluation.

OTHER SYSTEMS

The philosophy underlying the Act and its major thrusts are not singular to education or this country. There are similar underlying tendencies throughout the world. Wherever we look we find centralisation occurring alongside deregulation; privatisation occuring alongside central government intervention via specific funding and short-term schemes. Recently the editors were concerned with organising an Anglo-French conference on responsiveness where two systems met: one centralised moving towards decentralisation; the other decentralised moving towards centralisation. Meeting in the middle, the concepts and issues were very similar: client rather than provider-led philosphies; marketing; competition; quality assurance and market research. However, in France and Germany and elsewhere we find models which appear coherent, containing national curricula extending to vocational and technical education and training, unified regulations for 16- to 19-year-olds, national conditions of service, and a much higher volume of activity. The Education Reform Act concerns itself with transfers of authority and power with an aspiration to an FE service which is more responsive, more relevant and of a higher quality. Excellence requires a combination both of quality and quantity; the latter remains often an unarticulated aspiration.

Although we have a geographical affinity with European systems, having roughly the same population as France and Germany and a shared history, current inclinations push us towards a very different culture indeed on the other side of the Atlantic. Perhaps the present common bond of the use of a variation of the English language is about to move to a number of other shared characteristics, all the more so as we share common pressures and increasingly common patterns of response.

If we look to the United States and Canadian provinces for our models, then, initially, we observe one enormous difference. Colleges are not collegial in the sense of having a principal who is both the leading professional (and chair of the academic board)

and the chief executive. The American system is *adversarial*. The principal or president is responsible to the governors for managing the institution. The faculty is separately organised as a professional association. There is no common academic board. On behalf of the governors, the principal negotiates (in many states and provinces) local conditions of service and salary levels. The summer 1988 debate with regard to the executive management of the English polytechnics and the provisions of both the Act and the conditions of service negotiations may be seen to be pointers in this direction in the United Kingdom.

The ERA model is very much that of the North American community college. If we look at this model, the line is through accountable governors with a very strong say in determining the character of the institution. Principals may be seen rather like football managers. They are hired and fired, they seldom have more than a rolling contract five years ahead and they have perks such as cars, insurance policies and travel allowances for their spouses in order to compensate for short duration of office. There is no academic board. Salaries and conditions are often determined locally and the principalship may be inherited either by a dean of students who is responsible professionally for the development and coherence of academic programmes or by a business manager who has no necessary experience of further and academic education as such. These may be the logical outcomes of the intention of Robbins[5], of *Circular 7/70*[11] and now the Education Reform Act.

COMMENTS

So how much will change? How much activity will actually be at the cosmetic level and of a structural kind which is unlikely to affect the student, the lecturer on main grade or the teaching senior lecturer? How far is responsiveness actually just a state of political mind unrelated to activity at the grass-roots level? Will everything change for all to remain the same? The complex and at times competing pressures in society are generating a level of turmoil that makes this unlikely.

If FE continues as a successful part of a local authority service, what will be the Government's next step given the more radical changes in train in the schools and HE sector? Recent history has shown a series of incremental shifts each time the advanced level has been removed from local authority control, with maintained institutions growing a new top layer. As Morris says, this time that is unlikely to occur and we may be on evolutionary route to severance from the local authority with the alternatives of regionalism and/or a new central Department of Education and Training.

The pace of development is an unknown factor for, while the draft circulars do indicate a timetable for submission and implementation, individual institutions will have varying levels of organisational capacity - to say the least.

A great deal of effort and debate may go into determining whether institutions end up with an adversarial or collegial model of management. But as action passes from the national to the local arena and as DES circulars carry the agenda forward, there will be a new configuration of a national public service locally administered. The smooth working of new locations of decision

making and structural reforms may not however be the criteria of success. These are enabling changes only. Medium-term success should not be judged by the smoothness of the managerial process but by an equivalent quality and quantity of provision with our European and North American neighbours; in other words - the pursuit of excellence. The Education Reform Act addresses itself to balances of control, authority and power. These are 'necessary' considerations, but a first step to a 'sufficient' coherent delivery system to FE and training. We may yet have to move to a legislative framework like that of West Germany which articulates at national, regional and institutional level the actual roles of regions, colleges, employers, chambers of commerce and subsidiary bodies and relates these roles to a common vocational curriculum which has common political support.

In the meantime we must lend our collective minds to the theme of this text: making the Act work.

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ACC	Association of County Councils
AFE	Advanced Further Education
AMA	Association of Metropolitan Authorities
AMB	Area Manpower Board (of MSC)
APC	Association of Principals of Colleges
ATS (MSC programme)	Adult Training Strategy
BACIE	British Association for Commercial and Industrial Education
BTEC (Examining body)	Business and Technician Education Council
CALLMI	Computer Aided Local Labour Market Intelligence
CAO	Chief Administrative Officer
CBI	Confederation of British Industry
CELP	College Employer Links Project
C&G (Examining Body)	City and Guilds of London Institute
CIPFA	Chartered Institute of Public Finance and Accountancy
Circulars	Communications of guidance from DES, SED and Welsh Office to local education authorities. The number after the stroke refers to the year of publication.
CLID	Curriculum-led institutional development
CLEA	Council of Local Education Authorities
CNAA	Council for National Academic Awards
CoSLA	Convention of Scottish Local Authorities (equivalent to AMA/ ACC in England and Wales)
CP (MSC programme)	Community Programme
CPVE	Certificate of Pre-Vocational Education
CRE	Commission for Racial Equality
DE	Department of Employment
DES	Department of Education and Science
DoE	Department of the Environment
DTI	Department of Trade and Industry
EMIS	Education Management Information System
ERA	Education Reform Act
ESF	European Social Fund
ESG	Education Support Grant (specific grants for DES)
FEMIS	Further Education Management Information System

FESC	Further Education Staff College (the national management development centre for public sector further and higher education)
FEU	Further Education Unit (the curriculum unit for FE)
GERBIL	Acronym for the General Education Reform Bill 1987
GRIST	Grant-related in-service training (Replaced TRIST)
HE	Higher education
HMI	Her Majesty's Inspector (or Inspectorate)
ILEA	Inner London Education Authority
IT	Information technology
JES	Joint Efficiency Study
JTS (MSC programme)	Job Training Scheme
LAA	Local Authority Association
LAB	Local Advisory Bodies of MSC (to replace AMB)
LACSAB	Local Authority Conditions of Service Advisory Board
LCP	Local Collaborative Project
LEA	Local Education Authority
LEATGS	LEA Training Grants Scheme (replaces GRIST)
LENs	Local Employer Networks
LLMI	Local Labour Market Intelligence
LMI	Labour Market Intelligence
MIS	Management Information System
MSC	Manpower Services Commission (now Training Commission)
NAB	National Advisory Body for Public Sector HE (to be replaced by PCFC)
NAFE	Non-advanced further education
NATFHE	National Association of Teachers in Further and Higher Education
NCVQ	National Council for Vocational Qualifications
NEDC	National Economic Development Council
NJC	National Joint Council for Lecturers in Further Education in England and Wales
OLS	Open Learning System
PCFC	Polytechnics and Colleges Funding Council (to replace NAB)
PICKUP	Professional, Industrial and Commercial Updating Programme (courses for employed adults)
PI	Performance indicator
PRC	Premature Retirement Compensation
PSHE	Public Sector Higher Education
RAC	Regional Advisory Council
RCP	Responsive College Programme

REPLAN	DES programme to promote development of educational opportunities for the adult unemployed
RSA	Royal Society of Arts Examinations Board
RSG	Rate Support Grant
RTITB	Road Transport Industry Training Board
RVQ	Review of Vocational Qualifications
SED	Scottish Education Department
SEN	Special educational needs
SEO	Society of Education Officers
TC	Training Commission
TRIST	TVEI-related in-service training
TUC	Trades Union Congress
TVEI	Technical and Vocational Education Initiative
UFC	Universities Funding Council
UGC	University Grants Committee (to be replaced by UFC)
VET	Vocational education and training
Warnock Report	1978 Report on education of the handicapped
Weaver Report	Report of the study group chaired by Mr T R (later Sir Toby) Weaver on The Government of Colleges of Education (HMSO), 1966, whose recommendations formed the basis of the reform of college government in the Education (No.2) Act, 1968 and Circular 7/70
WRNAFE	Work-related non-advanced further education
YTS (MSC programme)	Youth Training Scheme

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The Act restates the duties and powers of local education authorities as regards higher and further education. At present LEAs have a duty to secure the provision of adequate further education to meet the needs of their areas; further education covers all education and training for those who have left school. But the transfer of the polytechnics and major higher education colleges out of the LEA sector will leave LEAs responsible for only a small proportion of advanced further education. The Act therefore redefines further education: it separates out advanced courses - broadly those of a standard higher than 'A' level - and defines them as *higher education*, leaving *further education* to cover all other provision for those who have left school. The types of course which are to be considered higher education courses are listed in a schedule to the Act. Using these new definitions, the Act reimposes a *duty* on each LEA to secure the provision of adequate *further* education to meet the needs of its area. In addition, each LEA is given the *power* to secure the provision of appropriate *higher* education to meet the needs of its area.

The Act requires LEAs to delegate financial and other powers to their further and higher education colleges and to reform the size and composition of college governing bodies.

Each LEA will be placed under the duty to prepare, and to submit to the Secretary of State for approval, a delegation scheme. This will set out how the annual budgets of the LEA's further and higher education colleges are to be calculated, and how those budgets are to be delegated to the governing bodies of all save the smallest colleges.

The Secretary of State will issue guidance about what should be included in schemes. LEAs will have to consult the governing bodies of the colleges affected when preparing schemes. If an LEA fails to submit an acceptable scheme, the Secretary of State will have power to impose one. The arrangements under which the LEA makes the delegated budget available to the college governing body, and the restrictions on how governors may spend it, will be set out in schemes. The procedures contained in schemes for setting college budgets must include the use of a formula which takes into account the number of students the college is being asked to accommodate.

LEAs will be required to delegate powers to all colleges with 200 or more full-time equivalent students. Schemes will set out the procedures to be followed when colleges without delegated powers come to have more than 200 students, and vice versa. Where LEAs want to extend delegation to colleges with fewer than 200 students, they will be free to do so. Schemes will also specify the date or dates on which the delegation requirement should take effect.

The Secretary of State will have the power to require the extension of delegation to colleges with fewer than 200 students or to any other institution of further and higher education provided by LEAs - notably adult education centres. He will also

have power to require that, where other institutions are given delegation, they must have suitably constituted governing bodies. Schemes will have to be published, and the Secretary of State will have the power to require LEAs to publish information about the operation of their schemes.

Governing bodies of colleges with financial delegation will have delegated powers to select staff for appointment to the employment of the LEA, and to require the LEA to remove from the college staff whom they consider should no longer work there. When senior staff are involved, the governors will be obliged to consult the LEA's chief education officer or representative before taking such decisions. The LEA will normally meet any costs arising from dismissals or premature retirement, unless it has good reason not to, or unless the LEA's approved scheme required that the college should meet all such costs from its own budget.

LEAs may withdraw delegated powers where the governing body is failing to comply with the provisions of the scheme or where it is not managing the budget satisfactorily. The governing body will have the right of appeal to the Secretary of State against withdrawal. The LEA will be under a duty to review the withdrawal each year.

All maintained colleges already have an instrument of government (regulating the composition of the governing body) and articles of government (regulating the conduct of the college); the articles are subject to the Secretary of State's approval. The Act will make the instrument of government also subject to the Secretary of State's approval, and empower him to take the initiative in amending both the instrument and the articles.

At least half the members of the governing body of all maintained colleges will be required to be either representatives of employment interest or co-optees. Not more than 20 per cent will represent the LEA. Governing bodies should not be larger than 25.

All LEA-assisted colleges and HE institutions in the PCFC funding sector, other than higher education corporations, will be required to have an instrument and articles of government. These will be subject to approval and amendment by the Secretary of State. Where such a college is conducted by a company, its memorandum and articles of association will also be subject to his approval and amendment. Those responsible for assisted colleges will be under a duty to provide the Secretary of State with such information as he requires.

The definition of 'assisted college' is amended to exclude all universities and institutions in the PCFC sector.

FURTHER EDUCATION UNIT

2 Orange Street, London WC2 Telephone 01-321 0433

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Objectives

The objects for which The Further Education Unit (FEU) is established are to promote, encourage and develop the efficient provision of further education in the United Kingdom and for that purpose:

a) to review and evaluate the range of existing further education curricula and programmes and to identify overlap, duplication, deficiencies and inconsistencies therein;

b) to determine priorities for action to improve the provision of further education and to make recommendations as to how such improvement can be effected;

c) to carry out studies in further education and to support investigations of and experimentation in, and the development of, further education curricula and to contribute to and assist in the evaluation of initiatives in further education;

d) to disseminate and publish information, and to assist in the dissemination and publication of information, about recommendations for and experiments and developments in further education.